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## LEGISLATION ON THE COMPENSATION OF MEMBERS OF CONGRESS.

### I.

No ONE would think of calling the compensation of its own members one of the great, or even important, subjects on which the American congress has legislated. At the same time, its legislation on this subject is exceedingly curious and interesting. It has evinced much greed, much indifference to public opinion, and much insensibility to questions of personal honor, and has been marked by questionable resorts to parliamentary makeshifts, and to no end of demagoguery. Considering the weakness of human nature, when legislators have access to the public treasury for the purpose of paying themselves, this is not surprising but natural. We do not, indeed, say that these are the only qualities exhibited in the history of this

legislation. Far from it. The opposite qualities have been as conspicuously displayed. But it would be difficult to name a second series of acts that, together, show our National legislators in a worse light, so far as personal qualities are concerned. There are other reasons why the subject is worthy of study. The debates on the various bills and resolutions touching the subject abound in discussions of the nature of the government, of the relation of the representative to the people, the principles on which compensation should be based, etc. Many of these views come from men of no claim to consideration, and are of no value; but others come from men of weight and character, and are by no means lacking in value. Nor

are the discussions barren of interest as illustrations of contemporary habits, views, manners and resources ; they are often an excellent gauge of these things, as well as of personal character. Still another reason for looking up the history of this legislation can be given. The American congress has never stirred the popular indignation more deeply, or brought on itself more odium, than it has on two occasions when fixing the pay of its own members.

This sketch will begin with the very beginning.

#### I—THE CONTINENTAL CONGRESS.

The congress that assembled in Philadelphia, September 5, 1774, consisted of delegates chosen and appointed by the several colonies and provinces. These sent each as many or as few delegates as it pleased, and paid them what it pleased. With the first session of the second congress, the body became continuous, theoretically in perpetual session. Over the number of delegates from the states, the length of their terms of service, and their compensation, congress never sought to exercise the slightest control ; the regulation of all these matters lay wholly within the states' competence. Every state withdrew its own delegates, in whole or in part, and sent additional ones at its pleasure. The congress fixed only one point : "Resolved, that in determining questions in this congress, each colony or province shall have one vote," giving as a reason this addendum to the resolution : "The congress not being possessed of, or at present able to pro-

cure proper materials for ascertaining the importance of each colony." This rule was adopted the second day of the first congress ; but once fixed, although the reason for it might afterward be removed, it hardened into a custom that never was broken until the end of the old congress in 1788.

The articles of confederation, going into effect March 1, 1781, put what had come to be the custom touching these points into rules.

Delegates shall be annually appointed in such a manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and send others in their stead for the remainder of the year.

No state shall be represented in congress by less than two, nor by more than seven members.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in congress assembled, each state shall have one vote.

Considering that the Union throughout the whole period from 1775 to 1789 was a confederation of states, it was but natural, perhaps, that the states should have this exclusive power over their representatives. At all events they had it, and the rule in regard to payment was the more satisfactory to all parties because the treasury of the Union was chronically empty, and the states were better paymasters. In the Federal convention the equality of state representation and state compensation were both fought for and both lost.

No notices of what the members received as compensation appear in the journals of the old congress. To hunt

through the records of the states for the information, would cost more effort than the information is worth. But it is well known that there was no uniform rule, some states paying more and some paying less, and that more or less jealousy and heartburning was the result. Again, the states sometimes failed to keep their delegations full, and sometimes failed to be represented at all when their treasuries were low; and much of the difficulty found in securing and keeping up a quorum originated in these facts. Altogether, the principle of state compensation finds very little to recommend it in the Continental period.

#### II—THE CONSTITUTIONAL HISTORY.

It seems to have been generally taken for granted by the men who framed the constitution, that the members of both houses of congress should be paid by some body at some rate for their services. An unpaid legislature was thought aristocratical, and, therefore, contrary to the genius of a republican country. But in the case of the senators this view was not universally concurred in. General Pinckney, for example, proposed that no salary should be allowed the members of the upper house, arguing "that as this house was meant to represent the wealth of the country, it ought to be composed of persons of wealth, and, if no allowance was to be made, the wealthy alone would undertake the service." Dr. Franklin, who earnestly advocated an unpaid executive also, seconded General Pinckney's motion, but placed his argument on a different ground. "He wished the con-

vention to stand fair with the people. There were in it many young men who would probably be of the senate. If lucrative appointments should be recommended, we might be chargeable with having carved out places for ourselves." Mr. Gouverneur Morris concurred in this view, and argued, as Mr. Madison has reported him: "The senators will pay themselves if they can. If they cannot, they will be rich and can do without it. Of such the second branch ought to consist; and none but such can compose it if they are not to be paid." It is difficult to see why Dr. Franklin's argument was not just as conclusive against paying many other officers of the government as against paying the senators; and as for Mr. Morris's it was urged in support of the theory that the democratical and aristocratical elements should be balanced in the new government, numbers controlling the one house and wealth the other. General Pinckney's motion failed, though it received the votes of five states. No similar proposition seems to have been submitted in the case of the lower house.

This question disposed of, others arose that proved much more troublesome, the first and most difficult being: "From what source shall the compensation come?" In the fifteen resolutions known as the "Virginia plan," submitted by Governor Randolph as soon as the convention was ready for business, which gave the starting point of the convention's deliberation, it was simply provided that the members of both houses should "receive liberal stipends by

which they may be compensated for the devotion of their time to the public service." Mr. Pinckney's resolutions, submitted the same day, which also contained some of the raw material worked into the constitution, provided that members should be paid by their respective states. When that part of the Virginia plan which related to the pay of the house of representatives came up for consideration in committee of the whole, an amendment was moved to the effect that payment should be made out of the public treasury. The issue was now made and the question was strongly contested. The history of the controversy revealed some marked oscillations of opinion. Subsequently, the same issue was joined in the case of the senate. It will be interesting to follow the drift of the convention's thought.

Mr. Madison argued "that it would be improper to leave the members of the National legislature to be provided for by the state legislatures, because it would create an improper dependence." Mr. Hamilton, at a later day, put the same argument in a terser form, and one consistent with his general theory of political action: "He who pays is the master." George Mason contributed two arguments to the same side:

*First*, the different states would make different provision for their representatives, and an inequality would be felt among them, whereas he thought they ought to be in all respects equal; *secondly*, the parsimony of the states might reduce the provision so low that, as had already happened in choosing delegates to congress, the question would be, not who are most fit to be chosen, but who are most willing to serve.

So far as the lower house was con-

cerned, this view prevailed in committee with but slight opposition. But when the question came up in convention, the plan suggested by Mr. Pinckney was strongly pressed. It was argued by Mr. Ellsworth "that the manners of different states were very different in the styles of living, and the profits arising from the exercise of like talents;" and by Mr. Williamson, that there would be new states in the western territory, that these states would be too poor to pay much into the common treasury, that they would have different views and interests from the old states, and that the latter ought not to pay the representatives of the former for thwarting their interests and defeating their measures. On the other side, Mr. Madison argued that one consequence of laying on a small state the burden of maintaining a representation in congress would be that such state, as the history of the old congress proved, would frequently not be represented at all. Back of the whole discussion lay a question of theoretical politics that under some circumstances would have decided the whole controversy, viz: "Is the new government to be truly national, or merely federal?" If the former, then obviously all the expense of supporting it, including congressional compensation, should be paid out of the public treasury; if a mere league of states, then as obviously each state should pay its own delegates to the Federal council. But the advocates of a stronger government than the Confederacy were practical men, not given to discussing questions of speculative politics either

in or out of the convention ; the point was a tender one, and it was wise to refrain from creating needless alarm by raising it.

Before this question was disposed of, another pressed for an answer. Mr. Madison moved that compensation should be fixed in the constitution, arguing, with much force, that leaving the members of the legislature "to regulate their own wages was an indelicate thing, and might in time prove a dangerous one." In reply to the obvious objection that values would change, Mr. Madison said: "Wheat, or some other article of which the average price throughout a reasonable period preceding might be settled in some convenient mode, would form a proper standard." This distinguished statesman strenuously maintained this view until the question was finally decided against him. It was also defended by Dr. Franklin. Various arguments were urged against it—such as that there is no unvarying standard of value; that there was no danger that the legislature would abuse its power, in support of which last opinion the history of the state legislatures was cited. It was also urged that, if the convention fixed the pay as high as it should be fixed, the people would become alarmed and there would be danger that the whole plan would be defeated.

When the various materials already elaborated were committed to the committee of detail on the twenty-sixth of July, with instructions that the committee should report a constitution, one of the resolutions declared that the members of the house ought to "receive an

adequate compensation for their services," "to be paid out of the public treasury;" and another, that the senators should "receive a compensation for the devotion of their time to the public service," but it did not specify from what source this senatorial compensation should come. The committee of detail, in its report, covered the whole ground in these words: "The members of each house shall receive a compensation for their services, to be ascertained and paid by the state in which they shall be chosen." This opened up the question again, and the whole ground was once more canvassed. The old arguments were re-stated, and some new ones added. Mr. Butler contended for payment by the states, especially in the case of the senators. He argued that the senators would necessarily spend most of their time at the seat of government ; in consequence they would be so long out of their respective states that they would lose sight of their constituents, unless dependent upon them for their support. Mr. Sherman thought there was more danger of congress putting the pay too low than too high, so that none but the rich could serve, however fit. He thought a moderate allowance to be paid out of the treasury, should be named in the constitution, leaving the states free to make additional compensation if they thought proper. Mr. Dickinson proposed that congress should be empowered to fix the wages of the members once in twelve years, the same to be paid out of the common treasury. At last the opinion of the convention was expressed in the well-

known form: "The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States." Many were dissatisfied with this result, Mr. Gerry, for example, assigning as one of the reasons why he declined to sign the constitution "the unlimited power of congress over their own compensation."

The above sketch is far from being a complete history of the motions, votes and discussions of the Federal convention on congressional salaries. At the same time, it contains all the important questions that were entertained, as well as the more important arguments urged in debate, as far as these have been preserved in the "Madison Papers." Before passing to the action of the first congress under the power granted, it will be well to note how what had been done struck the public mind.

In some of the states the conclusion reached by the convention does not seem to have provoked any opposition or even discussion. At all events, there are no traces of either the one or the other in 'Eliot's Debates.' But in some of the states it was far otherwise. In Massachusetts the power granted was urged as a reason why the constitution should not be ratified. One member of the convention argued that before the Revolution it was considered a grievance that the governors of the colonies received their pay from Great Britain, which was putting the National congress in the place of the British crown. The refusal for two hundred years of the house of commons to vote

its members pay, although constitutionally entitled to do so, was cited to show that congress was not likely to abuse its power. In the Virginia convention Patrick Henry, whose honest but almost fanatical hostility to the constitution led him to urge against it any argument that was even plausible, was not likely to overlook this feature. He accordingly made the most of it. But it was left to the ingenuity of Mr. Tyler to deduce a new conclusion from the obnoxious feature: "Since compensations were not fixed in the constitution, congress might fix them so low that none but rich men could go; by which the government might terminate in an aristocracy." Mr. Grayson indorsed this view, and then intimated that congress would follow the example of the house of commons, whose members had given up their guinea a day only to pay themselves through jobbery or other forms of corruption. The offending clause was also cited as an objection in the New York and North Carolina conventions. In these two states, as well as in Virginia, amendments were recommended looking to the prevention of the dreaded evils. These amendments agreed in proposing that an election of representatives should always intervene between the enacting of a law increasing the compensation and the time when it should go into operation, which was an excellent suggestion.

A provision that had provoked so much opposition, both in the Federal convention and in the state conventions, was not likely to pass unnoticed when the time came for congress to propose

amendments to the constitution. Accordingly, one of the seventeen propositions submitted in the house of representatives by Mr Madison, and one of those favorably reported on by the committee to whom they were referred, looked to limiting the power of congress over its own pay. It was approved both by the house and by the senate in the following form: "No law varying the compensation of senators or representatives shall take effect until an election of representatives shall have intervened." In the house the vote stood twenty-seven to twenty. In neither body does the amendment appear to have provoked much discussion, probably because the subject had been already exhausted in the convention. Mr Sedgwick observed that it might serve the purposes of the demagogue. Mr Vining thought every future legislature would feel a degree of gratitude to the preceding one which had performed for them the disagreeable task of fixing their pay, which was certainly taking for granted more delicacy of feeling than some congresses have exhibited. This was the second of the twelve amendments submitted to states for their action. Only six states ratified it, and it therefore failed to become a part of the National constitution.

Here the constitutional history of this subject closes. Congress has remained master of its own compensation, limited only by the President's veto, which has never been used in such a case, and, for obvious reasons, is not likely to be. The agitation following

the act of March 3, 1873, again brought to the surface the proposition to amend this clause of the constitution, so as to prevent future "grabs," and one of the abler organs of opinion made the rather startling suggestion that action could begin where it left off in 1790, and that the ratification of the six states could still be counted in favor of the amendment.\* One branch of the Ohio legislature, we believe, acting in accordance with this suggestion, ratified the amendment of 1790. Further than that, it has resulted only in talk, and it is not likely to lead to anything more substantial in the future.

### III—THE ACT OF 1789.

At the same time that congress was maturing the proposed amendments to the constitution, it was also legislating on the salaries of the different officers of the new government. The way was almost wholly untrdden, and the National legislature was compelled to follow its best judgment, guided only by such scattered data as the meagre political experience of the country furnished. As yet it was uncertain how the new machinery would work. In many cases it could not be told how important an officer's duties would be, the amount of service he would render, or what his precise relations to the government considered as a whole. It is clear, for example, that the position of the vice-president was not well defined in

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\*The Nation.

the public mind,\* and it is well known that in some important particulars the senate is not the body which some of the framers of the constitution thought they were creating. Besides, there were wide differences of opinion as to the rate at which a given service should be compensated. How much of the compensation should be in money, how much in the honor incident to the office? As was natural, the southern members, from their costlier habits of living, favored larger salaries than the northern members. On the whole, in fixing salaries congress proceeded very cautiously, as though conscious that it was dealing with experimental questions.

The house raised a special committee of eleven, the whole number of states then in the Union, to report on the compensation of the President, vice-president, senators and representatives. This committee based its recommendation as to the President's salary on the ascertained expenses of the presidents of the Continental congress,† increasing the

sum as the duties and dignity of the new office seemed to require. The history of the old government furnished no analogous data in the case of the vice-president, which fact, together with the additional one that the vice-president's position was but vaguely defined in the legislative mind, caused wider differences of opinion concerning the compensation of that officer than existed in any other case. The committee recommended that the pay of the senators and representatives should be six dollars a day, with an equivalent sum for every twenty miles of travel to and from the seat of government—which was about the average pay of delegates sent by the different states to the old congress. Although these different salaries were covered by one report, the question was finally divided, the salaries of the President and vice-president being voted in one bill and the compensation of congressmen in another.

Persistent attempts were made to change the committee's report as to members of congress, in two particulars. *First*, to discriminate between the senators and the representatives; *secondly*, in the case of the latter, to reduce the sum reported by the committee. Mr. Sedgwick moved to fix the pay of the lower house at five dollars a day. He argued in favor of "the discrimination that the senators are required to be of an advanced age, and are elected for

\* In illustration, we quote from a speech of Mr. Sedgwick's, made during these debates. "I suppose," said he, "that every gentleman who has considered the subject has determined in his own mind that the vice-president ought to remain constantly at the seat of government; he must always be ready to take the reins of government when they shall fall out of the hands of the President; hence, it will be necessary that he should, for this cause, if not for any other, preclude himself from any object of employment, and devote his whole time to prepare himself for the great and important charge for which he is a candidate."—"Annals of Congress," Vol. I, p. 646.

† These expenses ranged from \$8,000 to \$13,000, annually. Some of the principal salaries were fixed as follows: President, \$25,000 and a furnished

house; vice-president, \$5,000; secretaries of state and treasury, \$3,500 each; war, \$3,000; chief-justice, \$4,000; other justices of supreme court, \$3,500. In fixing the pay of the judges, it is said congress was guided by the aggregate fees yearly received by the foremost lawyers of the country.

six years. Now this term taken out of the life of a man, past the middle age, may be fairly deemed equal to a whole life; for it was to be expected that few if any of the senators could return to their former occupations when the period for retirement arrived; indeed, after six years spent in other pursuits, it may be questioned whether a man would be qualified to return with any prospect of success." Mr. Sedgwick did not think six dollars was too much for a representative, but he was in favor of economy and of deferring to public opinion. Mr. Jackson opposed the discrimination. He demanded: "Is it expected that a senator shall eat more or drink more costly liquors than a member of the house of representatives?" It does not appear that any one replied to this meat-and-drink argument; but it was alleged, on the other side, that the constitutional qualifications of the senator were higher, that the senate was the superior body, and that its members would be abler men. Some of the views entertained of the character of future senators were very exalted. It was declared that they would be selected "with peculiar care," that they would be "the purified choice of the people," etc. Mr. Lee expressed the following views:

It is with difficulty that you can draw forth men of age and much experience to participate in the political concerns of their country. Retirement and reflection are incident to that period of life; they are sought for, and, when obtained, they are highly prized. The wise and virtuous sage, who, from the monitions of nature, has discovered that his remaining years will be but few, must be incited by every motive that can operate on the human heart to continue those labors which he seeks to bury the remembrances of in the deeps of solitude. Honor may

stimulate the ingenuous mind; but interest is a great reason of action, and may be usefully employed to influence old age.

Mr. Vining agreed that the senate would contain "venerable and respectable characters," but he said senators would be men of wealth, and therefore the better able to serve for small pay. He furthermore asserted that if a gentleman kept a servant and his horses, and reciprocated the civilities he received, the pay proposed was inadequate. He favored seven or eight dollars a day and no discrimination. Mr. Gerry said if the house was paid at a less rate than the senate, it might become a dependency of that body. Mr. Stone thought a difference of compensation would make trouble in effecting adjournments; the house might be anxious to adjourn, while the senate, to secure the extra pay, might protract the session. Mr. Page was alarmed at "the rage for reducing salaries." He thought two years spent in congress might be made endurable, but "no inducement, hardly, could induce him to undertake it for six years." He therefore favored a fixed annual salary for the senators. But it is worth remarking that Mr. Page will be found in congress seven years later, and in the governor's chair of Virginia fifteen years later; from which it is fair to infer that he lost somewhat of his intense disrelish for public life with the lapse of time.

Finally, the recommendations of the committee were clothed in the usual form of a bill. Once more the fountains of debate were opened up. A renewed attempt was now made to reduce

the pay. Mr. Page again gave expression to his alarm at the "abuse of economy." Mr. Sedgwick supported the reduction with his accustomed energy. He thought there would be no danger of public offices falling into the hands of incompetent men if salaries were small; he instanced the late appointments, and asked whether better men could have been obtained at double the pay; he thought the practice of the states was opposed to so high a compensation; many of the state legislatures allowed their members only a dollar and ten shillings a day, and yet they were served by good men. Mr. Stone thought the trifling difference of one dollar a day would not much influence the public mind. Mr. Gerry made light of the proposition to call the yeas and nays on so trifling a question. He declared himself indifferent to the one dollar more or less; said he never wished to have a seat in the house again (though he subsequently allowed himself to hold one), but professed great solicitude lest low pay should lead to the introduction of pensions and expose the legislature to corruption. Mr. Gerry enlarged upon the history of the house of commons, the members of which, he said, had given up their mark a day only to fall a prey to the crown. He denied that service in the state legislatures was analogous in the point under debate to service in congress. He said the lawyers, merchants, farmers, etc., constituting the legislatures, were able to pursue their other vocations while performing their duties. Then turning to the house he asked: "Are not gentle-

men who come from the most distant parts of the Union compelled to relinquish everything to attend here?" He concluded by declaring himself in favor of a higher compensation or of none at all.

Some facetious propositions were submitted. One was to the effect that members who thought six dollars too much should leave the excess, measured by their sense of duty, in the treasury; and to facilitate the matter it was moved to amend so that the compensation should not be more than six dollars. Here it is worth remarking, that some members regarded the language of the constitution "shall receive a compensation," etc., as mandatory, thus anticipating the famous argument by which Senator Carpenter sought to convict all the senators and representatives who declined to accept the "back pay" in the spring of 1873 of a breach of public duty. Mr. Madison renewed the attempt to give the senate higher pay than the house, but in vain. The bill fixed the speaker's compensation at double that of the other members. An attempt to reduce the amount ended in failure. Even after the engrossment of the bill, the attack on it was renewed. The persistent Sedgwick submitted some figures that are of value as a part of the history of the times. He said the governor of New Hampshire received only two or three hundred pounds per annum; the governor of Massachusetts eight hundred; the chief-justice of the latter state three hundred and seventy-five, while the other judges received only three hundred and fifty. But these statistics pro-

duced no other effect than slightly to reduce the pay of the unfortunate door-keeper. The bill was at last put on its passage, and it carried by a vote of thirty to sixteen.

As the 'Annals of Congress' do not contain the debates of the senate for the first two and a half congresses, we have no means of knowing how the bill was received by that body except from its votes and the amendments that it made. Of the last there were several, all of which, however, were adjusted without trouble, except one. The senate had voted to pay itself seven dollars a day, leaving the pay of the house at six. As the house refused to yield, the question went to a conference committee. Nor could the committee agree. The two houses were at a dead lock. At last, by way of compromise, the house of representatives agreed to the discrimination after March 4, 1795, but it insisted on an amendment of its own, by which the operation of the bill was limited to seven years from March 4, 1789; so that the effect of the bill was to pay the two houses at the same rate for six years, and then to discriminate in favor of the senate to the amount of one dollar a day for one year. This question of discrimination, at first so strongly contested in the house, and then between the two houses, was really an important one. The house had its way, and the struggle was never renewed. Naturally the two bodies took opposite sides of the question; naturally the house of representatives triumphed; and as naturally the precedent has been since observed. The bill was approved September 22, 1789,

but it granted pay from the fourth of March, previous. There the matter rested until the first session of the Fourth congress.

#### IV—THE ACT OF 1796.

Just before the act of 1789 expired, the house of representatives, proceeding with the deliberation that had previously marked its action on the same subject, created a special committee on the compensation of senators and representatives and some other officers of the government. This committee recommended a salary for members of both houses of one thousand dollars a year. As soon as the subject came up for consideration, the report was attacked on two grounds. In the first place, the salary feature was characterized as a dangerous novelty, and it was moved to strike out the word "annual." Mr. Goodhue, chairman of the committee, replied that a stated salary would impel the members to greater dispatch in business, and would do away with the somewhat general impression that congress protracted the sessions for the sake of the *per diem*. It was replied that an annual salary would be equivalent to offering the members a bounty for neglecting their business. Mr. Nichols observed that "water, though insensibly, wears away stones; and such an influence, he feared, would have a tendency to undermine the integrity of members." Mr. Gilbert denounced the argument that the amount of pay either lengthened or shortened the sessions, as a "base insinuation." In the second place, one thousand dollars was objected

to as too large a sum. Mr. Sedgwick, the most determined stickler for small compensation in 1789, was not equally earnest in the same cause now. He observed "a fact well known, that every member of the house was deprived of the opportunity of pursuing his occupation at home, and of the emoluments arising therefrom by his attendance to public business." At last a bill was matured and passed without a division. It gave senators and representatives the same pay and the same mileage that they had received from 1789 to 1795, with double pay, as before, for the speaker. The latter feature, however, did not prevail without serious opposition. It was denied that the speaker's duties were more onerous than those of the other members, and as stoutly asserted that they were. The expenses incident to the position were cited in proof of the propriety of the double compensation. This brought up for discussion the practice, which it seems the speakers had thus far observed, of giving dinners to their fellow-members—a practice which seems to have been somewhat vigorously discussed. The self-sacrificing Mr. Page, in contending for the extra allowance, asserted that nothing "but a sense of duty could induce a man to undertake such an office." But as this gentleman was still in congress, although some years before he had thought more than two years service altogether unbearable, one cannot help entertaining the suspicion that he might have been prevailed upon to undertake the speakership. The senate did not renew the conflict on the question of discrimination, convinced, no

doubt, of its hopelessness. The bill passed that body on the very day that the old law expired by its own limitation.\* There was no further legislation on this subject for twenty years. But before taking the next stride forward, a few observations on the preceding history will be of interest.

How different the United States of the first congresses from the United States of the last ones! How different the congresses themselves! It is true that we know less of the former than we do of the latter, which is no slight advantage. The earlier congresses kindly allowed most of their sayings to perish, while the later ones insist on spreading their history before the world in full. But this is not the only point of contrast. No one can read the meagre reports of those early debates without seeing that the fathers lived in a small world; that

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\* Hon. S. J. Randall of Pennsylvania, in a speech delivered in the house of representatives, December 12, 1873, made the following statement: "The Third congress sitting in Philadelphia increased the salary of its members; and even then that increase of pay was made retroactive." This statement is conspicuously inexact. (1). The Third congress did not legislate upon the subject at all; (2), the Fourth congress, probably the one that Randall meant, did not increase the pay; (3), the law of 1796 was not retroactive in any fair sense. The law of 1789 expired by limitation March 4, 1796; the new law passed the senate that very day, and was approved by the President on the tenth of the same month.

Hildreth is inexact in his account of this law of 1789. He says (Vol. IV, p. 126) that the discrimination between the senators and representatives "never exactly went into effect." It is certain that the senators were entitled to one dollar *per diem* more than the representatives for such time as they were attending to their senatorial duties from March 4, 1795, to March 4, 1796. It is fair to presume that they drew the money.

they were provincial, both in experience and in thought. Many of their utterances bear plain traces of "innocence" and unsophistication. But there was a sense of honor and a delicacy of feeling on questions affecting their personal interests that is rarer now. Citizens of a country whose population has increased twenty-fold, and whose revenues have increased fully one hundred-fold, since the first law ascertaining the pay of congressmen was passed; accustomed to the large views and great expenses of our present legislators, we think an American congress debating for some days whether the pay of its members shall be a dollar *per diem*, more or less, and whether a discrimination of a dollar between senators and representatives shall be made, an almost ludicrous spectacle. It would be the foolishlest waste of time to-day; the American people neither expect nor desire such proceedings; but it was a commendable feeling that prompted the hesitation, to say nothing of the necessity of the treasury. Provincial and "innocent" as the law-makers of the First and Fourth congresses may have been, they understood well that a legislature having power over the public treasury, both to fill and to empty it, limited constitutionally only by the executive's veto, is dealing with a delicate question when it comes to vote its own pay. To compare the earlier and later congresses to the disadvantage of the latter, is not the purpose of this article; but it does come in our way to affirm that the appreciation of the fact stated in the last sentence has declined. However, we can-

not suppose that either the senators or representatives of 1789 cared much for the dollar's discrimination proposed, as a matter of money. The real point was the relative rank and dignity of the two houses. Prospectively, the sphere of the house was much better defined in men's minds in 1789 than the sphere of the senate. The senate, many expected, would be a sort of counsel for the President. The closed doors and the attempted discrimination in pay were indications of a senatorial exclusiveness that gave offense. Viewed from this point, the dollar a day discrimination becomes important. Possibly its loss had a good deal to do with fixing the status of the senate. At all events, these early congressional proceedings have a most curious interest, as showing what was in men's minds when the new government was in the nascent state.

#### V—THE "GRAB" OF 1816.

By the year 1816 great changes had come over the country. One of the most striking of these was the disappearance from public life of the statesmen who framed the constitution and set in motion the machinery of the new government. A younger generation of politicians had taken their places. With one or two exceptions, all the foremost men in the house of representatives were comparatively young. All the members of the triumvirate of the next generation were there—Webster, Clay and Calhoun, the last two of whom had been the most influential leaders of the war party during the contest with

Great Britain. The old Republican party was in the ascendancy, but the disappearance of the Federalists, together with the partial abandonment by the Republicans of their former principles, already foreshadowed the period of political disintegration and confusion called "the era of good feeling," but which was, in reality, the seed-bed of future strife and bitterness. The Fourteenth congress was the first after the war, and it had to deal with many questions which the war left behind it. The country was exulting in the return of peace; even the war leaders of the Republican party felt a sense of relief, and the legislation of congress, partaking of the common buoyancy, on all questions of expenditure, was of a liberal character. The young statesmen, who were conscious that they had their hands upon the helm of public affairs, held views and policies corresponding to the enlargement of the nation. No one can charge them with being small or mean. Accordingly, large sums were voted for the army and navy; the building of new custom houses in various cities was provided for; liberal pensions and half-pay were voted for services during the war; a National bank was created to aid the government in the discharge of its fiscal business and to foster the interests of the people. "While thus generous to others," is the remark of Hildreth, "the members of congress were not forgetful of themselves."

On the fourth of March, 1816, Mr. R. M. Johnson, who had passed from the western army to congress covered

with the glory of having killed Tecumseh, submitted a proposition relative to the pay of members of congress. He adroitly described it as having for its object "the dispatch of public business, and more punctual attendance of the members of congress to their duty, and to shorten the sessions." All this was to be accomplished "by changing the compensation of the members from six dollars per day into a gross sum per session." It is true that Mr. Johnson spoke in a general way of "other regulations connected with the subject, having the same tendency;" but as these "other regulations" were never specifically named, it is clear that they were thrown in in bulk for an obvious purpose. Mr. Johnson submitted a resolution that a committee be appointed to enquire into the whole subject and to report its conclusions. Throughout the debate that followed on the resolution, and on the bill reported by the committee, the gallant Kentuckian placed himself on the high ground of a reformer of the proceedings of the legislature. He spoke in strong terms of the wearisome length of the sessions, and of the inattention to business on the part of the members. Complaining as we do of these evils, it is reassuring to know that they existed at a time when, the pessimist himself being judge, intelligence and virtue had not wholly departed from the public service. Mr. Johnson said calls for the question, inattention to the member speaking, and even the previous question had no tendency to cut short the interminable debates. He affirmed that, without some remedy of the existing abuses,

congress would yet come to sit all the year, and that riches, not patriotism, would rule the nation. He declared, further, that with an annual salary as much business could be done in three months as in ten months under the *per diem* system. It must be remembered, however, that Mr. Johnson was fresh from rough campaigning in the northwest, so that long debates were, perhaps, more wearisome to him than to those who had a longer experience in legislative bodies. Still, many other members spoke in the same strain, though no one else seemed to share with Mr. Johnson his extravagant expectations of the results to flow from the new system. The mover of the resolution also insisted that the pay granted by the old law was insufficient. At the same time he was moderate in his views. "Nothing extravagant, nothing prodigal," said he; "a compensation received by a good clerk in one of the departments would be sufficient." He also argued that the proposed change would effect a great saving in the contingent expenses of the two houses, through a reduction in the quantities of fuel and stationary used, etc. He said the contingent expenses amounted to the enormous sum of fifty thousand dollars a year, while fifteen thousand dollars ought to be ample.

The great reformatory measure was supported by John Randolph of Roanoke. He began with a solemn assurance of his sincerity in the opinion that senators and representatives should receive no pay whatever. This was in entire harmony with Randolph's char-

acter. He was, as Mr. Parton has said, a Conservative by nature, a born Tory; and he looked with great approval upon some of the aristocratical features of the British government. He delighted to call his Roanoke estates a "barony," and he lamented the decay of the old aristocracy of Virginia. He despaired of ever again seeing, as he once expressed it, "the Nelsons, the Pages, the Byrds, and the Fairfaxes, living in their palaces and driving their coaches and sixes, or the good old Virginia gentlemen in the assembly drinking their twenty and forty bowls of rack punches, and Madeira, and claret, in lieu of a knot of deputy sheriffs and hack attorneys, each with his cruets of whisky before him, and a puddle of tobacco spittle between his legs." Such a splendid Virginia aristocrat as this would not serve his country for hire, as a matter of choice. That would be too vulgar. But since, in the degenerate days in which he lived, wages were always coupled with legislative services, he would naturally consent to hold his private opinions in abeyance and take pay like the other members. However, he would scorn any mean sum. The Baron of Roanoke, therefore, went on to say that "if the members were to receive pay, he would have them paid like gentlemen." The existing system might do for mercenary soldiers, for day laborers, but not for men of the time of life and the state of the members of congress. The duties to be performed were arduous, even Sunday shone no Sabbath day for him. He concluded his speech by remarking upon the degeneracy of the times. He had

sometimes reflected with pain on the gradual depreciation of the value of a seat in the house since he first had the honor of a seat in it. Then the members thought it beneath them "to truckle to the great or the small vulgar; to curry favor even with the great officers of state, either foreign or domestic; much less with the printers of journals and newspapers." The end of the existing system would be to make members of congress tools of the executive.

Mr. Webster favored the inquiry, but did not commit himself to any given measure. He affirmed that the prevalent system of legislature was radically defective; expressed the opinion that no legislature in the world, however various its concerns or extensive its sphere, sat as long as congress, notwithstanding the eighteen state legislatures did so much to narrow its field of action; and he maintained that under proper regulations, a session of two months in a year was perfectly adequate to the ordinary business of legislation.

The resolution prevailed without opposition, and the committee of inquiry was appointed. Two days later it reported a bill fixing the pay of senators, representatives and delegates from territories at one thousand five hundred dollars a year, with three thousand dollars for the president of the senate *pro tempore*, when there was no vice-president, and the same amount for the speaker of the house; deductions to be made for absences, unless caused by sickness, in such ratio as the absences bore to the whole year.

As soon as he could get the floor, Mr.

Randolph moved to suspend the operation of the bill until the next congress. Mr. Johnson opposed the amendment on the ground that "if the bill was necessary at all it was as proper for the present congress as for a future one." As this argument has been made to do duty in defense of all retroactive legislation on this subject, it is entitled to a moment's examination.

As a statement of the naked question of compensation, stripped of all personal considerations, the proposition may be safely accepted. At the same time it is not an argument that one likes to hear from the mouth of a congressman who has already determined to vote up his pay, or has already done so. The fact is, it is not a naked question of compensation; it can never be stripped of personal considerations. There is always a delicate personal question involved that no honorable man of clear insight can evade or ignore. While it was true as an abstract question, that the Fourteenth congress needed and deserved an increase of pay as much as the Fifteenth, it was at the same time true that the members of the Fourteenth were elected on the understanding (we don't say contract) that they should serve at the old rate; and a proper sense of delicacy dictated that they, while increasing the pay of their successors, if necessary, should not vote up their own unless some new and weighty reason therefor had arisen since their elections. It is easy for a congressman to scout considerations of delicacy by saying the constitution devolves upon congress this duty of ascertaining its own

pay, and that the proposed second amendment failed of ratification; but it is sufficient to reply that this specious reasoning satisfies nobody who has a proper perception of the question at issue. Once more, the argument is constantly subject to abuse; it is always used to deaden the sensibility of members and to overcome their scruples of honor when legislating on this subject. What is more, retroactive salaries for congressmen have always been distasteful to the people, and generally wholly obnoxious. But it must be confessed that there is little use in arguing this question; unless a congressman sees himself that it is indelicate for him to increase his salary, except under circumstances that have never yet been present, there is but small hope of making him realize that fact.

It must not be supposed, however, that Mr. Randolph acted on those motives; he hastened to say that he preferred the bill as it stood, and had offered his amendment only "to satisfy over tender consciences." From first to last Mr. Randolph expended on the bill a good deal of that peculiar kind of oratory for which he is so famous. He took especial pains to parade his detestation for small allowances to public servants, and he declared he would as soon be found with his hand on his neighbor's pocket as to vote for the bill and not take the increase of pay.

At an early stage in the debate, Mr. Huger took the floor and made the only vigorous speech in opposition. He examined the various arguments urged in favor of the bill, and presented various

reasons why it should not pass. He said its effect would be to give the members a gratuity "over and above the usual *per diem*, at the close of a bloody and expensive war, out of the public coffers, to the amount of about two hundred thousand dollars for their services the three months last passed, during which they had literally, and to the best of his recollection, done nothing else than make appropriations and lay taxes." He thought members of congress ought not to be compensated over and above the expenses they incurred in discharging their duty, and scouted the idea that one thousand five hundred dollars a year, of itself, would call out the best talent of the country. Mr. Huger also went into a close calculation, showing that a member of congress could live on the present pay and have left twelve dollars a week; nor did he think the sessions too long; he thought they should be longer; the government was a logocracy, and he boldly hinted that the members who complained so bitterly of the length of debates were as much affected by the *cacoethes loquendi* as others.

Mr. Rufus King favored the bill. In reply to Mr. Huger, who had quite unnecessarily spoken of his wealth, Mr. King said: "Gentlemen had boasted of their wealth, and perhaps thought that a little cider and brown bread would do for such as had no resources beyond their pay." "Some of us," he continued, "are poor men; we cannot keep here, to follow us about, two or three servants, two or three horses, and two or three dogs; but we desire to live

as befits our station." This allusion to the servants, horses and dogs was intended for the Baron of Roanoke, who, as tradition says, was accustomed to ride down to the Capitol from his quarters on Georgetown Heights a Virginia thoroughbred, attended, at a suitable distance, by two black servants similarly mounted, and by a couple of hounds.

The bill commanded the support of the triumvirate of the next thirty years. Mr. Webster does not appear to have spoken in favor of the measure, but he gave it his vote. Mr. Calhoun supported it in a vigorous speech. He thought the pay should be two thousand five hundred dollars a year instead of one thousand five hundred, and insisted that there was danger of undue executive influence unless the representatives of the people were well salaried. Mr. Speaker Clay, in an evil day for his political future, "took the opportunity afforded by the committee of the whole to yield his support to the bill." His argument was the inadequacy of the compensation. "He had attended congress sometimes without his family, and at others with a part of it; and although his compensation, while he had enjoyed the honor of presiding in the house, was double that of the other members, he declared with the utmost sincerity, that he had never been able to make both ends meet at the termination of congress." He said many members "had been driven out of the house by their inability to sustain the expenses and losses incident to the situation;" and he "regretted to find that this cause was still

operating, and was about to deprive the house and the country of the valuable services of several of his colleagues."

But the most pathetic picture was drawn by Mr. Wright, who said:

What would be the feeling of honorable men towards the highly honorable mover of this bill who slew Tecumseh with his own hands; who came up here covered with wounds and glory with his favorite war horse, and his more favorite servant—his attendant in the army, his nurse and necessary assistant—being unable to do anything for himself at the close of the session; being obliged to sell his war-horse or his servant to close his accounts, or to have recourse to his private funds to clear him out? That this may not be considered an extravagant account, let any gentleman with two horses and a servant try the case by one week's residence at Crawford's at Georgetown, where many members reside, or Mr. Gadsby's in Baltimore, and live in the style of a gentleman, and he will give unequivocal proof of the reality of such an alternative.

The debate was all on one side; excepting Mr. Huger's there was next to no opposition. When the vote came it stood eighty-one to sixty-seven, and it must be said that the yeas outweighed the nays in ability and influence even more than they did in number. Such a bill, so strongly supported in the house, was not likely to fail in the senate. On this class of questions the upper house has generally followed the lead of the lower, and this instance was no exception. The senate hastened to approve the work of the house. A motion to refer the bill to the finance committee was voted down as unnecessary. Throughout the debate in the senate its friends had one great advantage: the house had taken the initiative. Most of those who spoke in its favor thought wide latitude should be given that body on questions of this sort, since its

members were immediately responsible to the people and prided themselves as being the purse-holders of the nation. Various amendments were offered: one to reduce the pay of the speaker and the president of the senate, *pro tempore*, to two thousand dollars; one to strike out the salary feature; a third postponing the operation of the bill to the opening of the next congress, and a fourth for making the deductions for absences in the ratio such absences bore to the length of the session, and not to the whole year. But no objection availed; the amendments were voted down one by one, and the bill passed by a vote of twenty-one to eleven. Before its passage, however, Mr. Mason put in an earnest plea against the impropriety and indelicacy of members voting money out of the treasury into their own pockets, and Mr. Dana expressed the opinion that the measure would be popular with the people. The act was approved March 19, 1816, and was retroactive for one year and fifteen days.

Looking back from this distance, a fair man can hardly help thinking that six dollars a day was an inadequate compensation for a congressman in 1816. The pay had not been increased since the beginning of the government—a period of twenty-seven years. During that time the country had grown rapidly in population and wealth; the revenues had increased many-fold, and most salaries had been considerably raised. We certainly think that the time of senators and representatives had come. At the same time, most of the arguments urged in favor of the increase were more

specious than solid. Those who produced them acted like men who had determined to do a given thing, and who fall to hunting for reasons afterwards. Some of the members seem to have been wrought up to a fine frenzy, as they considered the bill from a reformatory standpoint. Mr. Johnson even went so far as to make the future of the country turn on its passage. "Ours was the only one and happy government on earth, and he was solicitous that it should continue. This could not be unless men of merit who were poor could come to congress as well as the rich." Nor were the various arguments consistent with one other. To say that the old *per diem* was so small a compensation that men could not live on it, and then to argue that the sessions were protracted for the purpose of getting it, was to put forth propositions that it requires a good deal of ingenuity to reconcile. How the law would have been received by the people had it not been retroactive, we cannot say; but with that feature it raised a storm of opposition which must have greatly surprised the sanguine Mr. Dana—a storm that exceeded in violence, if possible, the one through which the country passed in 1873. Before describing it, it must be said, to the credit of the legislators of 1816, that they did their work in a straightforward and manly way. They did not balance their "back pay" against some necessary measure, or seek to conceal it in a general appropriation bill. Indefensible as the act may have been, they were too honorable to attempt evasion or

concealment. It should also be remarked that a well-known later device for appeasing the people was not resorted to. With one exception, all the members drew their money from the

treasury, and no one returned it.

The further history of this legislation must be left to a second paper.

B. A. HINSDALE.

### CAPTAIN GLAZIER'S CLAIM TO THE DISCOVERY OF THE SOURCE OF THE MISSISSIPPI RIVER.

THERE has been some discussion lately in one of the journals of general science concerning the ultimate source of the Mississippi river, *apropos* of Captain Willard Glazier's claim to be the first white man who saw (in 1881) and named, or allowed to be named after himself, the "Elk Lake" of the state maps. There was little more, however, in these articles, than a reference to the captain's assertion, and a protest against the inscription of his name on the maps in connection with the headwaters of that river.

In a letter published by the Minnesota Historical society in 1856, William Morrison, the trader, relates:

In 1803-4, I went and wintered at Rice lake. I passed by Red Cedar lake, now called Cass lake, followed up the Mississippi to Cross lake, and then up the Mississippi again to Elk lake, now called Itasca lake. . . . I discovered no traces of any white man before me when I visited Itasca lake in 1804. And if the late General Pike did not lay it down as such when he came to Leech lake, it is because he did not happen to meet me. I was at an out-post that winter. In 1811-12 I went the same route to winter on Rice river, near the plains. . . . This will explain to you that I visited Itasca lake, then called Elk lake, in 1803-4, and in 1811-12, and five small streams that empty into the lake, that are short and soon lose themselves in swamps. . . . Those streams I

have noted before; no white man can claim the discovery of the source of the Mississippi before me, for I was the first that saw and examined its shores.

His brother Allan, to whom the letter was addressed, writes in connection with it:

I am astonished that Mr. Schoolcraft should claim the honor, for I could with safety claim it before him myself; for I saw Itasca lake before that gentleman or Mr. Nicollet ever thought of coming to this part of the country.\*

In July, 1846, Charles Lanman† of Detroit made a canoe voyage to Elk

\*General H. H. Sibley, of St. Paul, in a letter dated September 24, 1886, writes: "I knew William Morrison slightly, and his brother Allan for a long time and quite intimately. They were both truthful and otherwise respectable men, and I have no doubt that both of them saw Lake Itasca before Schoolcraft or Nicollet. The latter does not claim in his report that he was the first white man to visit the lake, but asserted that that body of water was not the true source of the great river. He ascended the principal tributary (my recollection is that there are four such) of the lake from the north, in a bark canoe, as far as the depth of water would permit, and then with one or more of his men waded until the stream became but an insignificant rivulet. Upon that he based his claim of discovery. I write entirely from recollection. Nicollet was my guest at Mendota for a considerable time after his return from the upper country, and frequently discussed the question referred to."

† Mr. Lanman is introduced here as one of the early explorers of the Mississippi, but it is as well to remind the reader that his literary veracity is not unquestioned, and that grave doubts have been expressed as to his having actually gone any farther than Leech lake in his "canoe voyage."

or Itasca lake. He published his book the next year under the title of 'A Summer in the Wilderness.' He apparently pretty well explored the country there, for he wrote :

On the south side is a ridge of wood-crowned hills which give birth to tiny streams that eventually empty their waters into the Atlantic and Pacific [*sic*] oceans. . . . . I obtained it [legend of the mammoth elk] from the lips of an old Indian hermit as I sat in his solitary lodge at the foot of one of the hills which look down upon Elk lake. On the summits of these hills I spent a number of days.

Between the visit of the sentimental Lanman and that of the matter-of-fact United States surveying party in 1875, Lake Itasca seems to have been let alone by men who traveled and wrote books, though well known to local explorers for pine timber in the second decade. Incidentally it may be remarked here that the gentleman who, as surveyor-general, approved the plat of town 143, range 36, curiously enough is now the head of the State Railroad commission, from whose office some months since issued a map upon which the Elk lake of said plat figures as "Lake Glazier."

Next comes the exploration of the late Mr. O. E. Garrison, made in July, 1880, in the interest of the United States Census Bureau, which was first detailed in a local paper shortly after it took place. The route pursued was as follows : From the stream in the southeast corner of section 17 "carried" north eastwardly to the lake in section 3, then across it to the adjoining lake in section 4, the northward made portage over two low hills alternating with two ponds and over another carry to a

larger pond—the one crossed by the line between sections 27 and 34, then over a floating bog at the northeast end of the pond and across the country by cutting out a trail to Elk lake, then over the latter to its outlet into Itasca lake. At the northwest end of the swamp terminating the last mentioned pond was an old beaver-dam in which "was an opening of about two feet wide, through which was running water about two inches deep." This brook he looked upon as "the largest feeder to Itasca lake worthy to be considered the utmost source of the Mississippi river." On the publication of the account of the Glazier voyage next year, Mr. Garrison wrote again to the papers, protesting against the claims to originality founded upon it. In this letter he said :

It appears also that the captain did not see that another and larger tributary to Itasca lake entered its waters about one-fourth of a mile west of the outlet of Elk lake, and which ought to be, by reason of its larger volume and longer course, considered as that extreme source.

Within less than a year of the preceding appears still another pre-Glazier account of "Elk lake," that of the Rev. J. A. Gilfillan, Episcopal missionary at White Earth, Minnesota, who in company with Professor W. W. Cooke of Burlington, Vermont, and Shawunukuning, a Chippewa Indian, visited it on the nineteenth of May, 1881. They were on foot and travelled generally the same route as Mr. Garrison and party. When within about two and one-half miles of Lake Itasca they came to a little lake or pond among the pines,

from the north end of which issued a small stream. Their guide called their attention to this little lake and stream, and told them that it was the infant river and that it ran into Lake Itasca. The guide having also said that this little lake was nameless, Mr Gilfillan called it Lake Whipple, after the bishop of that name. They shortly came to a good sized lake emptying into Lake Itasca through an intervening stream. This second lake, too, not having been known to the Indians by any name either, as the guide said, was named by Mr. Gilfillan after the well known missionary of his church in former times in Minnesota territory, Mr. Breck. An account of this journey was published soon after in the *Minnesota Missionary*. It was subsequently ascertained, however, that there was a native name for this second lake—the Elk of the state maps—for Mr. Gilfillan in his list of geographical names of the Chippeways furnished to the Minnesota Historical society, April, 1886, gives it as Ga-giwitadinag, or “embosomed in hills.” In a private letter dated September 29, 1886, he further writes on the subject of this journey.

The above [naming the lake] occurred, as I have said, two months before Glazier's trip; and it was well known to him before he started that I had been there before him, as I went from Lake Itasca straight to Leech lake, where he started, and told the people there I had been to Lake Itasca; and he heard it from the resident clergymen there and many others.

. . . . . But it was no feat any way to go to Lake Breck as he did, nor was he or our party the first that had been there, for we found a cleared place there near Lake Breck, and the dung of horses and other signs of white men's habitation for a considerable time, and an old wagon road leading into it from the southeast. I have talked since Glazier's

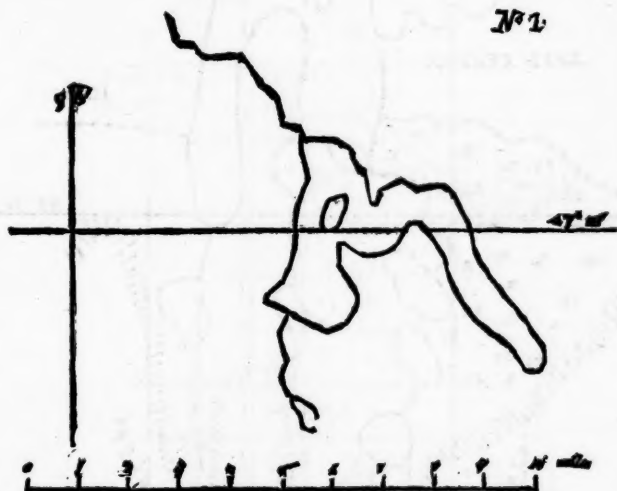
expedition with Che-no-wi-gi-sic, as he called him, his guide and boatman, whom I have known for years. All the speeches, etc., attributed to him by Glazier are fables, as might be expected, and never occurred. He speaks no English and Glazier no Chippeway, and all ascribed to him comes from Glazier's imagination. Indeed, all his book and claims are, as you know, a work of imagination, except that he went to Lake Breck, which is a perfectly simple thing, and can be done by any one who would give a Leech lake Indian perhaps twenty dollars to take him there in a canoe and back, and is nearly as simple and as little worth making a talk about as going in a canoe from St. Paul to Hastings.

In order to assist the reader to a clearer comprehension of the topographical relations of the foregoing summaries of travel, and as a mode of easy comparison, I have prepared four outline maps drawn to a uniform scale (1:200,000) showing the only published cartographical authorities for the source of the Mississippi to the present time. They are as follows:

No. 1 is enlarged from the map accompanying the Schoolcraft-Allen expedition of 1832, published in 1834, —scale apparently about 1:524,000. It may seem strange that the proportions of Lake Itasca should be nearer the truth on this map than on Nicollet's of later date and more elaborate construction, but such is the fact, as a glance at numbers 1, 2 and 3 here will show. On the authority of their Indian guide, Lieutenant Allen placed on his map “a little creek, too small for even our little canoes to ascend, emptying into the south bay of the lake, and having its source at the base of a chain of high hills, which we could see, not two miles off.”

No. 2 is enlarged from a tracing made from the original Nicollet map

(scale 1:600,000) preserved in the hydrography of the Itasca basin. One who inspects Nicolet's map feels puzzled about the three lakes of the western tributary of the south-west arm of Lake Itasca, which it shows. He describes them in the text without giving their dimensions or distance apart, as being connected by a stream of running water—in his view the Mississippi itself—a foot deep at the outlet

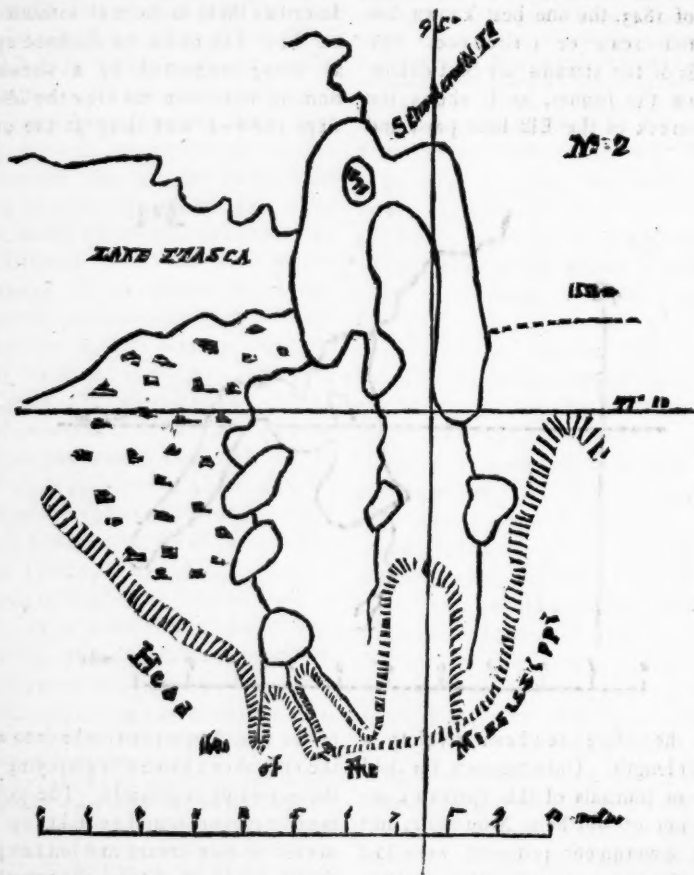


gives the other southern rivulets a greater length. Unfortunately the field notes or journals of this (private) exploration of northern Minnesota, not being government property, were lost sight of years ago, and although often searched for have never been found. Were they now accessible for reference, some more light might possibly be thrown on the subject of the extreme

of the first (uppermost) lake, into which the map shows three rills emptying from the adjoining highlands. The government surveyors found no lakes as connected on this stream, and but one pond, fifteen acres in extent, apparently its head, while the three large lakes they did find and "meander" to the south and southwest of Lake Itasca, are not noted as being in any way connected,

nor as having any outlet. In the "estimated distance by water" of Nicollet's report, the last one shows the "utmost source of the Mississippi, at the summit of the *Hauteur des Terres*,"

on his own map. Both the Allen maps and this one show an enlargement or bay on the southeast side of the southwest arm, for which the United States survey offers no justification. It is

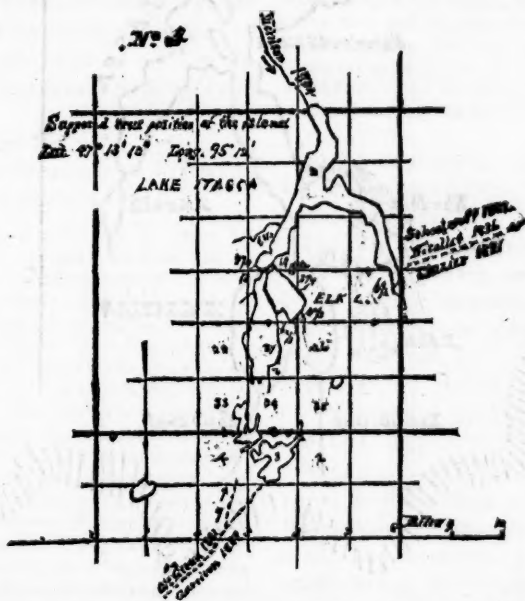


to be six miles from Schoolcraft's island, which agrees well enough with the United States surveys, but falls considerably short of the dividing-ridge marked

barely possible however, that the lake widening of the former and the nearly closed bay of the latter were intended to include the modern Elk lake. The

traveler Lanman, before referred to, says: "That portion of Nicollet's map representing the extreme head of the Mississippi was made upon bark by Francis Brunet, who is to be my guide for hundreds of miles." It will be most reasonable, then, to charge whatever appears exaggerated and inaccurate in this map of Itasca and environs to the adoption of Brunet's unscientific

added some route lines, and also lines showing latitude and longitude projected from the position of St. Paul as determined by engineers of the United States lake survey some years ago. A thorough scrutiny of the field notes added but little to the information on the plats. There is nothing in them to show the position of the "heights of land" here, and nothing further about



outlines without other correction than that of position supplied by astronomical observations.

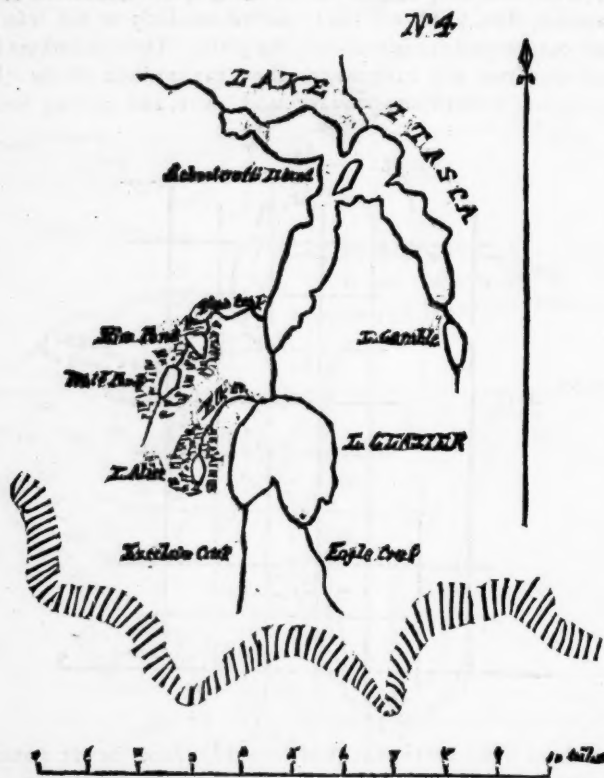
No. 3 is reduced from the United States township plats (scale 1:31,680), altered only by giving widths of streams in feet instead of in links, and by the omission of the marshes and some outlying ponds. On the other hand I have

the three lakes before mentioned than the heights of their banks. Those not familiar with the system of United States land surveys should understand that Itasca, Elk and the three nameless specified lakes alone have their shore lines surveyed, and consequently reliably drawn, all other topography shown on this map is exactly right only

where crossed by the section lines which are one mile apart.

No. 4 is enlarged from the Glazier map (scale 1:540,000) which appears in the proceedings of the Royal Geographical society, London, January 1885, in

first explored and Lake Itasca first seen by other than Indian eyes are unknown, nor will the first discovery ever be known. The traces of abandoned trading posts of whose history we have no account are met with at various



company with a communication from the captain on the subject of his "discovery," dated June 17, 1884. It speaks for itself.

It may be taken as a fact, that the white man by whom, and the time when, the source of the great river was

points in northern Minnesota—even on Lake Itasca itself, at the northern outlet of Elk lake, as Mr. Garrison saw, there are "pits having the appearance of old cellars, probably indicating where houses once stood." We know that French adventurers and *coureurs*

*des bois* had visited Minnesota before the time of Hennepin and trapped or traded with the Chippeways for a century after, and there is nothing unreasonable in supposing that one or more of these

men had seen Itasca and its rivulets long before William Morrison, whose visit in 1804 is the earliest of which we now have any record.

ALFRED J. HILL.

### OPENING OF THE UPPER MISSISSIPPI AND THE SIEGE OF VICKSBURG.

WAR, even when surrounded with the horrors which sometimes accompany it, has also its advocates as placing the world farther in advance in thought and science.

In a lecture delivered before the Royal Military academy at Woolwich, Ruskin thus speaks of war :

All the pure and noble acts of peace are founded on war ; no great art ever rose on earth but among a nation of soldiers. There is no art among a shepherd people if it remains at peace. There is no art among an agricultural people if it remains at peace. Commerce is barely consistent with fine art but cannot produce it. Manufacture not only is unable to produce it but invariably destroys whatever germs of it exist. There is no great art possible to a nation but that which is based upon battle. . . . I will sketch for you the broad steps of the best art in the world. The first dawn of it is in Egypt, and the power of it is founded on the perpetual contemplation of death and of future judgment. The greatest works produced by them are sculptures of their kings coming out of battle or receiving the homage of conquered armies. From Egypt it passes directly into Greece, where all poetry and all paintings are nothing else than the description, praise and dramatic representation of war or of the exercises which prepare for it. All Greek institutions had first respect for war. Again, Athena is the goddess of all wisdom in conduct. It is by the helmet oftener than by the shuttle that she is distinguished from the other deities. Neither does strength depend on extent of territory any more than upon number of population.

A little group of wise hearts is better than a wilderness of fools, and only that nation gains true territory which gains itself. A soldier's vow to his country is that he will die for the guardianship of her domestic virtue, of her righteous laws and of her anyway challenged or endangered honor.

In war, as otherwise, the language of Tallyrand is often true—"nothing succeeds like success."

The campaign which resulted in the capture of Vicksburg was the culmination of a plan whose objective was the opening of the great commercial artery of the west, and, by the control of the Mississippi, to contract the Confederacy to a smaller circle and prevent the abundant supplies of the Red river country and Texas being used in feeding the southern armies.

To properly understand this great undertaking, we should go back to the earlier days of 1861-2 and examine the strategy, discipline and pluck manifested by the Army of the Tennessee, and the gallant coöperation of the Mississippi flotilla under Foote, Farragut, Davis and Porter in their mutual efforts toward success.

In the west all eyes were turned toward the great valley. Mississippi

had passed the ordinance of secession January 9, 1861, and Governor Pettus of that state had, on the twelfth of the same month, ordered the Quitman battery from Jackson, the capital, to Vicksburg. Artillery was placed in position on the Walnut hills and the lower landing, and all vessels going up the river were required to submit to an examination by officers appointed for that purpose.

On the eighteenth of January, 1861, the steamer *A. O. Tyler* was hailed on its way to Cairo, and the captain signalled to approach the landing. Not understanding the new order of things, he did not obey, and a shot across the bows at last admonished him of the necessity of submitting. No articles, contraband of war, being found, the *Tyler* was allowed to proceed north toward Cairo. This vessel was afterwards purchased by the government and arranged as a gunboat, and did most excellent service, in company with the *Lexington*, at Shiloh, and proved the safety of the Army of the Tennessee on a day which seemed at first black with disaster, but which ended in glorious victory for the eagles of the Republic.

At the boundary line of the states of Mississippi and Tennessee, at Reines Landing, a custom house had been established and revenue was collected and batteries placed to control the stream.

The *Memphis Evening Argus* in its issue of January 17, 1861, contained this reference to the closing of the river :

Cincinnati steamboat men have been thrown into a fever from the governor of Mississippi ordering cannon and a military company to Vicksburg to hail all steamboats passing. The abolition journals of Cincinnati howl over it and are greatly incensed. We would like to see them help themselves.

The Minnesota legislature voiced the feeling of the entire west in one of the resolutions passed by that body January 26, 1861, declaring "that the people of Minnesota would never consent to the obstruction of the free navigation of the Mississippi river, from its source to its mouth, by any power hostile to the Federal government."

This spirit animated all the states north of the Ohio, and along the upper river as well, and it was felt that if hostilities actually should occur, that the Mississippi valley or its neighborhood would, to a large extent, form the battle-ground.

To judge of the interests which centered in the control of the Mississippi, it will not be amiss to quote from an article which appeared in the *Harpers Magazine*, February, 1863, as follows :

The basin of the Mississippi is the body of the nation. All the other parts are but members, important in themselves, but more important in their relation to this. Exclusive of the lake basin, and of three hundred thousand square miles in Texas and New Mexico, which in many aspects form part of it, this basin contains about one million two hundred and fifty thousand square miles. In extent it is the second great valley in the world, being only excelled by that of the Amazon. The valley of the frozen Obi approaches it in extent, and that of the La Plata comes next in space and probably in habitable capacity, having about  $\frac{2}{3}$  of its area. Then comes the Yenesei with about  $\frac{1}{3}$ ; the Lena, Amoor, Hoang-Ho, Yang-tse-Kiang and Nile,  $\frac{1}{4}$ ; the Ganges less than  $\frac{1}{4}$ ; the Indus less than  $\frac{1}{4}$ ; the Euphrates,  $\frac{1}{4}$ ; the

Rhine. It exceeds in extent the whole of Europe, exclusive of Russia, Norway and Sweden. It would contain Austria four times; Germany or Spain, five times; France, six times; the British islands or Italy, ten times. Conceptions formed from the river basins of western Europe are rudely shocked when we consider the extent of the Valley of the Mississippi. Latitude, elevation and rainfall all combine to render every part of the Mississippi valley capable of supporting a dense population. As a dwelling place for civilized man, it is by far the first upon the globe.

This article, although written in 1863, explains, in part, why the western people would not recognize the fact that states could break the compact of 1787 and 1789, which formed the Union, and that, aside from its political bearing, the separation was opposed to the interest of the many, and favored only by the designing few. The people of the west fully recognized the value of an unobstructed navigation to the gulf.

Their commerce and through it their wealth and happiness, all pointed to the duty of the hour, and the spirit manifested throughout the war showed plainly that they appreciated and meant to fearlessly and honestly perform it.

No proper effort had been exerted to avert the storm, and with the opening gun on Sumter, April 12, 1861, was inaugurated a civil war unequaled by any conflict, at any time, throughout the world.

The flag of Sumter was lowered Sunday, April 14, '61, and on the fifteenth calls were made upon the loyal states for troops. A spark had touched the tinder which surrounded our magazine and almost in a moment it was wrapped in flames.

But it there were some who felt that It was madness to attempt its rescue and

that the danger and the cost in wealth and blood were not commensurate with the ruins which might remain, there was that deep and steady pulsation in the American heart which controlled the will and pointed in but one direction—the path of duty.

Few will forget the earlier regiments as their columns marched to the railway which was to bear them toward the battle; how mothers grasped the hands of their boys as they bade them be brave, be dutiful, be strong against the world—but save the flag. The tears of sister, wife and sweetheart were mingled in hallowed communion then, and the heart of the volunteer of the Republic was made strong by the prayers of the loving ones he left behind, while above was the boundless goodness of his God and before him the uncertainty of the coming future.

It has been grandly said, that "Plymouth Rock underlies all America;" and strong as that rock was the loyal belief of the American people that if they did not protect the flag and the Union as their fathers left it, they would add to failure the black infamy of cowardice. Toward the Potomac and the Ohio rolled the tide of patriotism, and soon a dense line of loyal blue gave evidence that the north was not dismayed but resolved that the Union must and should be preserved.

Major-General Fremont, who was in command of the western department in the summer of 1861, became convinced of the important necessity of strengthening the position of Cairo, Illinois, and in the last days of August he ordered

Brigadier-general Grant to proceed to that position and take the requisite steps toward fortifying it and also Birds point, on the opposite Missouri shore, as also certain points on the Kentucky shore. It is not necessary to describe the manner in which the vicinity of the point was cleared away and Fort Defiance erected, ready with its armament to dispute the passage of any force from the direction of the Confederate lines. Birds point being a sort of *tete-de-pont*, enabled the Union forces to cross and operate in the southeastern portion of Missouri, threatening the river below Columbus and also such reinforcements as might be sent to Price, who was organizing and employing all the Confederate troops which he could muster at that time in southwestern Missouri.

Cairo, situated at the confluence of the Mississippi and Ohio rivers, was in the earlier period of the war one of the most important positions in the west. As a *place d'armes* it was so located as to receive the contributions of troops and supplies from all the states bordering upon these two rivers. It was also fed, so to speak, by the Illinois Central railroad, one of the most important trunk lines at this time in the west, and also by its numerous lateral connections. As a rendezvous for the river flotilla, which was afterward assembled at the point, it became the central distributing point during the continuance of the war. The country to the west of the Mississippi, that to the northeast and between the Ohio and Mississippi, and that to the southeast, almost recalls the opening lines of Cæsar: "All Gaul is di-

vided into three parts." From the rendezvous at Cairo, troops or munitions of war were forwarded to the armies as they advanced and almost all of the supplies of the navy were furnished also from this point. The naval receiving and ordnance vessels *Maria Deming* and *Clara Dolson*, and also the naval depot wharf station, were all moved to the levee on the Illinois side, a short distance above the point, and part of the time under the command of Captain A. M. Pennock. A short digression seems necessary at this point to describe the gigantic efforts made by the war and navy departments for the safety of the valley.

At the commencement of the war a most important question was presented for the consideration of the government. It was the defense of the commercial points along the Mississippi and its tributaries, and also to provide for a suitable convoying of the armies during their advance by the water in the south and southwest, as well as to make secure the long lines of communication which the geography of the country made certain would be formed by the large river systems of the valley. To do this required a comprehensive plan on the part of the secretary of the navy, Hon. Gideon Welles, to establish an inland river flotilla, capable alike for assault of fortified positions or to meet attack from such naval combinations as the south might organize.

Early in the summer of 1861, Commander John Rodgers had been detailed for this task to proceed west to consult the interests of the government

and the western country in preparing a protection to the commerce of the river. Three steamers, unarmored, were prepared at Cincinnati. They were the *Tyler*, *Lexington* and *Conestoga*. They were overhauled, stanchions carried from the lower guards to the boiler decks and also to the hurricane decks, and on this framework, oak-planking five inches thick was securely fastened. The sides were calculated to be bullet proof. The *Tyler's* armament was six sixty-four pounder broadside guns and one thirty-two pound stern chaser. That of the *Lexington*, four sixty-four pounders and two thirty-two pounders. The *Conestoga*, three thirty-two pounders. The character of their guns gave them a strong, reaching capacity, and, although they were not expected to engage at close quarters, still their history throughout the war proves that at all times they were ready and eager for the advance. They were approximately one hundred and sixty feet long and thirty-five feet beam. Their depth was an objection and nearly prevented them from passing the bars of the Ohio on the way to Cairo. They were under the respective commands of Lieutenant-commanders Gwin, Shirk and Stemble, all tried men of nerve and destined to become prominent during the war.

The iron-clad fleet was the result of a contract between the government and Captain James B. Eads of St. Louis, signed August 7, 1861. He therein agreed to deliver, in sixty-five days, to the proper officers designated by the government, seven iron-clads, according to plans which had been submitted

to the authorities at Washington, and accepted. They were the *St. Louis* (afterwards named the *Baron De Kalb*, because there was already a vessel named the *St. Louis* in the naval service), *Carondolet*, *Cincinnati*, *Louisville*, *Mound City*, *Cairo* and *Pittsburg*. Their length was one hundred and seventy-five feet; beam, fifty-one and one-half feet; sides slanting to an angle of thirty-five degrees on sides, front and rear. Their armament was three bow, eight broadside and two stern guns. They drew about six feet of water, and their speed averaged eight or nine miles an hour. A recent letter received from Captain James B. Eads, and dated February 15, 1886, gives me the following dimensions and facts regarding this flotilla:

From the best of my memory the sizes of the engines on the *St. Louis* (or *Baron de Kalb*, as she was afterwards called), the *Cairo*, *Mound City*, *Louisville*, *Cincinnati*, *Pittsburg* and *Carondolet*, the first seven wooden gunboats, iron-plated, which I designed, had each two cylinders of six feet stroke and eighteen inches diameter, turning a single paddle wheel centrally located in the hull of the boat. The after part of the boat, for about forty-five feet of its length, was divided into two separate hulls for the accommodation of the wheel, leaving a space decked over, abaft the wheel, about fifteen feet long. The steam pressure carried was at least one hundred and twenty-five pounds, supplied by five boilers. The *Benton*, the eighth and the largest of this wooden fleet, was altered from a United States snag-boat bearing that name. Her hull and engines were similarly located. The cylinders, I think, were two inches larger (twenty inches) and seven feet stroke. She was originally built with two hulls, with a space between the two about twenty-five feet wide, each hull being about twenty-five feet beam. The space between these two hulls was floored in with a bottom similar to that under each of the two hulls and a central keelson was run forward with a stem, so as to form a single bow, extending some fifteen or twenty

feet in advance of the sterns of the side hulls. A single boat thus formed had about seventy feet beam. This central bottom was curved up to the deck at the after part of the boat, so as to leave a recess for the wheel about forty feet forward of the stern posts. The next four boats designed and built by me had hulls wholly of iron, including their decks. These were about two hundred and twenty feet long and fifty-four or fifty-five feet beam, with a deck which was crowned up about two feet at the centre. The deck-plates were ten feet from the bottom plates, and within this height the boilers were placed. I think there were five of forty-two inches in diameter, each about twenty-six feet long. They were propelled by four screw propellers. The steam pressure was one hundred and twenty-five pounds to the square inch. The engines were, as near as I remember, about thirty inch stroke and twenty-inch diameter of cylinder. Two of these boats had a speed of about ten statute miles per hour, and the other two about ten and one-half, the difference being caused by difference in the propellers. These were, I think, about seven feet in diameter, and, I think, were driven by double engines. I have no data convenient to refer to, and consequently write wholly from memory. All of the boats thus far described, except the *Benton*, had flaring sides, the beams being several feet longer than the floor timbers.

I designed and built also two smaller gunboats, wholly of iron, called the *Osage* and *Neosho*. They had recessed hulls, similar in design to the first seven vessels described, but were at least two or three feet lighter. They drew but three feet and were plated with iron, on their sides two and one-half inches thick and an inch and a half plating over their decks. Each carried a turret containing two eleven inch guns, the iron plating of the turret being six inches thick. I altered eight stern-wheel river steamboats into what were called tin-clads, their plating being only rifle proof, and being made of one-fourth boiler-plate iron. They carried no siege mortars. I built also four mortar boats, which carried large siege mortars, either thirteen inches or fifteen inches in diameter, I forget which. These were simply strongly built scows, their decks so strengthened that they could resist the downward pressure of the mortar when fired. These were usually fired at an angle of about forty-five degrees. All of these six iron boats were bulk-headed into a number of water-tight compartments, and one of the large and one of the smaller ones was destroyed by torpedoes in Mobile harbor. The *Milwaukee*, one of the first four, was sunk by

a torpedo, which made a hole big enough for a horse and cart to pass through it, but the bulk-head prevented any loss of life. Although some of the doors through them were open, they prevented the sinking of the boat so long that the crew were enabled to escape without loss of life. This boat was afterwards raised in Mobile harbor, and was towed to St. Louis and there cut up and the iron plates used in building the caissons of the channel piers of the St. Louis bridge.

The *Essex*, originally a St. Louis ferryboat, had been purchased by the Federal government, and was fitted up by Commodore William D. Porter. His description gives one an idea of the manner in which the Mississippi valley changed suddenly from the pursuits of peace to those of war. He says:

The commander-in-chief (Flag Officer A. H. Foote) gave me only eighteen days to get her together. So in that time I had her off the docks, and in three days was steaming down the Mississippi river. Of course there was much to be done in that time, and no place to do it. I therefore set up on my own hook; seized three large coal scows and converted them into a locomotive navy yard. Of one I made a blacksmith shop and iron working establishment in general. Another is my boat shed and carpenters' establishment; and another my coal depot. When I move up stream I tow them all with me; if down stream, they follow. I sometimes go into action fighting at one end, while carpenters, caulkers, blacksmith and painters are working at the other. You see, therefore, that the *Essex* has been built about in spots. I have my crew divided off into gangs—woodchoppers, coal-men, carpenters, caulkers, etc.—and we are a perfect workshop in ourselves.

The tonnage of the *Essex* was about five hundred tons. In the first naval engagement on the western waters, the *Essex* met three Confederate gunboats in the vicinity of Lucas' Bend and compelled them to take shelter under the guns of Columbus. At this time only the plating of the front of the casemates had been fitted on. The crew, however, kept

adding day by day, until a respectable as well as respected gunboat was presented, ready and eager for action. Her subsequent history is connected with some of the severest and trying scenes on the river. From Fort Henry to the date of her passing the Vicksburg batteries, and the final destruction of the *Arkansas*, the old *Essex* was prominent in the history of the valley. The casemates of the *Essex* are said to have been seventeen and one-half feet in height. The pilot house cone-shaped and plated with one and three-quarter inch iron, under which was a backing of one inch India rubber, all resting upon eighteen inches of wood. Her hull contained forty-two water-tight compartments, rendering her sinking impossible. Length was two hundred and five feet, and width sixty feet; draught was six and one-half feet, hold was five and one half feet. The motive power was furnished by two engines—cylinders twenty-three inches in diameter and six feet stroke. There were three boilers, twenty-six feet long, forty-two inches in diameter. The wheels were two, and independent, twenty-six feet in diameter and eight feet bucket. The *Essex* carried three nine-inch Dahlgren guns, one ten-inch Dahlgren shell gun, two fifty-pound rifled Dahlgren guns, one long thirty-two pound and one twenty-four pound howitzer. The wood frame of front casemate was thirty inches thick, on which was a backing of one-inch India rubber, and over all one and three-fourth inches wrought plating. Side casemates were sixteen inches thick, one inch India rubber and three-fourth inch

wrought plate. The roof was shell-proof.

The front and side plating of the *Benton* was heavier; front being three and one-half inches. Over the wheel-house and back, one inch and one and one-fourth inch plating. The *Benton* was so arranged as to resemble, as far as sides and general shape was concerned, a huge turtle, and the boats were frequently called "Turtles" during the war.

It was intended to provide each of the ironclads with a thirteen-inch mortar, but the first experiment of that kind showed conclusively that the concussion could not be endured by the men in the casemate below.

Mortar boats were built afterwards, and were of the greatest service in reducing the fortified positions encountered. They were shaped similar to coal barges, with less draught however. They were about fifty to sixty feet in length, and from twenty-five to thirty feet in width. The deck was heavily and solidly timbered, to withstand the terrible shock of the explosion. The vessel was protected by slanting sides, plated with one-half inch wrought plate, and carried up to a height of ten or twelve feet.

Inside the enclosure was a tent, frequently, to protect the men from sun or rain, and along the sides were racks to hold the shells until ready for use. The mortars were fired with friction primers or slow match, the crew getting outside upon the guards or end of the boat when the mortar was fired. It was a common thing to see most of the men wearing cotton in their ears to prevent

injury from the concussion. Before the mortar boats were placed in position, a line of skirmishers from the army were deployed to keep the guerillas and sharpshooters at a respectful distance.

The gunboats, as before remarked, were built by Captain Eads, according to a contract by which he was to deliver the seven in sixty-five days. These were ready before the specified time, and, perhaps, never has Yankee ingenuity and enterprise been urged to such endeavor. Yet, although the contract of Captain Eads had been kept in regard to the first seven ironclads, he had also finished and delivered the *Benton* besides, and all in the space of ninety-five days. The government did not properly carry out its portion of the contract, and the Century's foot note states :

Besides the honorable reputation which flows from success in such a work, Captain Eads has the satisfaction of reflecting that it was with vessels, at the time his own property, that the brilliant capture of Fort Henry was accomplished and the conquest of Donelson and Island No. 10 achieved. The ever memorable midnight passage of Island No. 10 by the *Carondelet* and *Pittsburg*, which compelled the surrender of that stronghold, was performed by vessels furnished four or five months previous by the same contractor, and at the time unpaid for.

Other ironclads were added subsequently, but the original nine were staunch and true and saw much of the severest work of the river campaigns up to the fall of Vicksburg; and their colors, begrimed with the smoke of battle and acquainted with carnage of the closest action, deserve that historic renown which will ever cling to them while history records their glorious progress through scenes of heroic constancy and success.

Among the later vessels built were the *Indianola*, *Fort Henry* or *La Fayette*, *Tuscumbia*, *Choctaw*, *Chillicothe*, *Osage*, *Neosho*, *Chickasaw*, *Milwaukee*, *Winnebago* and *Kickapoo*.

The "tinclads" were a lighter type of craft, some of which were stern-wheel and others side-wheel. They were used to keep open and police the rivers after the fortified positions had been reduced by their heavier allies, and also to convey troops and supplies of all kinds. Their approximate length was from one hundred and twenty-five to one hundred and fifty feet, and beam thirty feet; depth of hold about four or four and a half feet, and draft from twenty to twenty-four inches; and it was the lightness of their displacement which caused Abraham Lincoln to name them "the mosquito fleet," and also remark that they could "go anywhere in a heavy dew." Their wheel was about twenty-four feet in diameter and twenty-four feet long, propelled by engines of fifteen-inch cylinder and five feet stroke, making thirty revolutions per minute, with steam at two hundred pounds pressure. The tinclads were staunchioned and braced on one deck only (from the gun deck to the boiler deck); over this framework on the sides three-inch oak plank was spiked, outside of which was fastened light iron plates from one-half to five-eighths inch thick. On the front casemate the "backing" was from ten to twelve inches in depth, and the plating one and one-fourth inch thick. The sides were perforated with two and one-half inch loop-holes for rifle fire against guerillas, although in such engage-

ments a stronger reliance was placed in the efficient shrapnel shell fire, which seldom failed to search the ambush and leave the "blue-jackets" in possession of the field. Their armament consisted of two thirty-two-pounder Parrott rifles in front casemate, and three-eighths inch Dahlgren howitzers in each broadside, making eight guns in all. The usual small arms were the Enfield or Springfield rifle, one hundred or one hundred and fifty of which were usually provided for the protection of the boat. The crew numbered usually from fifty to seventy-five men, including officers. The service of the tinclads was usually in the bayous and shallow streams, sometimes reeking with malaria and forming the home of that most tantalizing of insects—the mosquito.

Mark Twain tells of an Arkansas judge, traveling down the Mississippi, who was indignant at the false impression which it seems had been widely circulated in regard to the mosquitoes of his state, and that its bad effect was noticeable in the lack of emigration; "whereas, the truth is," said the judge, "they are feeble, insignificant in size, diffident to a fault, sensitive." "But," says Mark, "if he was soft on the Arkansas mosquitoes, he was hard enough on the mosquitoes of Lake Providence to make up for it."

"Those Lake Providence colossi," said the judge, "could whip a dog, and four of them could hold a man down and except help come, they would kill him—butcher him. Fact is, the life policy, in its simplest form, is unknown

in Lake Providence—they take out a mosquito policy besides."

In all the expeditions against the enemy, and which often led through forests of dense growth, detachments were detailed from the army to assist, and during these excursions, a friendship sprang up between the army and navy in the west, which was of the strongest character.

The western flotilla was controlled by the war department from the appointment of Flag-Officer Foote to the end of the Red River campaign.

The original order transferring this control was the following:

NAVY DEPARTMENT,  
WASHINGTON, August 30, 1861.

*Sir* :—You have been selected to command the naval operations upon the western waters, now organizing under direction of the war department.

You will therefore proceed to St. Louis, Missouri, with all practical despatch, and place yourself in communication with Major-General J. C. Fremont, United States America, who commands the Army of the West. You will co-operate fully and freely with him as to your movements. Requisitions must be made upon the war department through General Fremont, and whatever the army cannot furnish, the navy will endeavor to supply, having due regard to its operations on the coast.

The western movement is of the greatest importance, and the department assigns you this duty, having full confidence in your zeal, fidelity and judgment.

I am, respectfully,

GIDEON WELLES,  
Secretary of the Navy.

Captain and H. Foote, U. S. N., Washington, D. C.

Having thus attempted a description of the naval preparations required in the valley, a short synopsis of the operations leading to the final attempt upon Vicksburg, would seem necessary here in order to show some of the mistakes

and inconsistencies which prevented the army and navy from advancing earlier than they subsequently did, and it will point out serious mistakes made by the southern commanders.

The Confederates made great efforts in Missouri, and they have always had the appearance of a flank manœuvre combining a show of great numbers and tenacity of purpose. The Richmond government used every exertion to render these troops active and by this means to so keep the Missouri department in a state of continual alarm that the value of a decided advance down the Mississippi would not be attempted by the Federal commander, or at least that it would be long postponed; and as men and munitions of war were constantly sent toward southwest Missouri early in the rebellion, there seems to be little doubt that this was their policy until the Federal strength had become so positive as to push Price into the mountains of Arkansas, and where the battle of Pea Ridge, March 7, 1862, decided the fate of that Confederate army.

The volunteers had up to this time had little experience, and the usual routine of camp duty and drill occupied most of their attention.

Each day these duties were systematically announced, and they soon learned to count the hours by the bugle calls; as they heard their echo through the camp.

5 A. M. ....	Reveille
6 A. M. ....	Breakfast Call
7 A. M. ....	Surgeon's Call
8 A. M. ....	Drill
11 A. M. ....	Recall
12 M. ....	Dinner
4 P. M. ....	Drill

5 P. M. ....	Recall
5:30 P. M. ....	Guard Mounting
6 P. M. ....	First Call for Dress Parade
6:30 P. M. ....	Second Call for Dress Parade
9 P. M. ....	Tattoo
9:30 P. M. ....	Taps—Lights All Out

The early plans of campaign, formed by General Fremont and General-in-Chief McClellan, were not the ones which finally freed the Mississippi valley from the Confederate arms. The plan of Fremont involved the destruction of Price's army, and marching into Arkansas; to take possession of Little Rock, the capital, turning by this means the western line of the Confederate defense and cause it to fall back further south.

In connection with this movement the gunboats were to descend the Mississippi, and joining the army in taking Memphis, they were to advance upon New Orleans.

"My plan," says Fremont in a letter to President Lincoln, as early as September 8, 1861, "is New Orleans straight. It would precipitate the war forward and end it soon and gloriously."

Subsequent events proved that this was an idle fancy. The strong positions were almost entirely on the eastern shore of the Mississippi; the long route proposed by Fremont would separate him from his base of supplies by a greatly extended line of communications, subject to sudden interruption by irregular troops.

The fortifications of Columbus would prevent, or at least did prevent, the flotilla from descending the river, while the movement upon Little Rock would not threaten Columbus as its position and its communications were all on the

opposite side of the river. Columbus formed one of the strongest, if not the strongest and most commanding position north of Vicksburg. At this early day the bold idea of running batteries had not been considered practicable, although subsequent trials proved that heavy guns in battery and acting upon an object even of the large size of the *Benton*, while moving at the speed of ten or twelve miles per hour, under steam or floating six or seven miles per hour, with the Mississippi current, were not as dangerous as had been supposed.

Flag Officer Foote had also another fact to consider. Economy, as to his fleet of nine ironclads and three wood gunboats, required that he should hazard nothing which was not absolutely sure.

He was not correctly informed as to the naval strength which might meet the gunboats below, even if they were successful in passing the works of Columbus. Neither was he positive that gunboats might not be preparing on the Cumberland and Tennessee. In the latter case if the whole fleet had passed down safely without proper action on the part of the land forces to invest Columbus and insure its capture, what would prevent a descent of such naval force as the Confederates might control upon Cairo and the cities of the upper Mississippi and the Ohio?

Foote's conservatism in this regard, at this time, was without doubt correct. Later it was shown by the *Indianola* that *singly* the heavy ironclads were not proof against lighter Confederate vessels commanded by brave and intelligent officers.

On the line of the Ohio, Brigadier-General Grant had been ordered to Cairo, where he arrived about August 31, 1861. He had strengthened Bird's Point, Missouri, opposite Fort Holt, on the Kentucky shore.

Looking upon the map of Kentucky and Tennessee, Grant had noticed the long peninsula formed by the Mississippi, Ohio and Tennessee rivers, and detected the value of the line of the latter river for an offensive advance into the heart of the Confederacy.

The bluffs at Columbus and Hickman forming the northern spurs of the Cane hills, which range south through the Mississippi valley as far as Baton Rouge, presented the points of defense which would secure temporarily the Mississippi against the advance of the Federals.

The neutrality of Kentucky forbade either of the combatants from taking possession of these strong points.

At the beginning of the rebellion the greatest care became necessary, on the part of the Federal government, to prevent any illegal action which might place the border states in the ranks of the southern Confederacy.

The initiative was taken by Lieutenant-General Polk in the early part of September, 1861; and Brigadier-General Grant, having learned through a trusted scout, named Russell, of this action, promptly notified the Kentucky legislature of the fact, and also notified Major-General Fremont at St. Louis, stating that, unless contrary orders should be received, he should leave with troops and artillery on the evening of September 5, for Pa-

ducah, at the mouth of the Tennessee river, for the purpose of effecting its capture. No answer being received, he started as he had advised, and reached Paducah at sunrise, September 6, and secured this important point commanding the entrance to the valley of the Tennessee, and destined to become the starting point of one of the most successful military advances in the history of the war.

He had urged the line of the Tennessee as the "true line" of entrance toward the Confederate line of defense, and on his own responsibility he had seized the key to the situation.

Looking up the Tennessee valley he had noticed its admirable waterway, presenting a means of advance for nearly three hundred miles into the vitals of the south.

From Paducah to the Big Bend of the Tennessee, every foot of territory secured and held, compromised and outflanked the positions at Columbus and Hickman, and this principle at once decided his course of action. Fremont, still bent upon his western plan, was pushing toward Springfield, Missouri, when he was relieved about the latter part of October, 1861, by Major-General David Hunter. By special order No. 96, General H. W. Halleck displaced General Hunter, November 9, 1861.

A prominent military writer and a contemporary of General Halleck, describes the latter as follows :

Halleck had been an officer of engineers, was military secretary in California during the Mexican War, and had resigned that position and his commission in the army for the practice of law in San Francisco.

He had the reputation of great ability and thorough knowledge of all that can be learned of war from the history of the campaigns of the great captains of the world. But in the practical work of disciplining, feeding, transporting and handling bodies of troops he was entirely inexperienced, and, in these respects, no soldier.

His capacity was severely tested during the war, and the developments made by a search of the records certainly bear out to the fullest extent the statement made above.

To rightly understand the condition of things when General Halleck assumed command, it must be remembered that the Army of the Ohio (afterward the Army of the Cumberland) had been, through the efforts of Generals Anderson and Sherman, mobilized and were receiving proper training and drill for the future advance. On the occupation of Paducah, General C. F. Smith was placed in command at the latter point, and nineteen days after arriving at Paducah, the town of Smithland, at the mouth of the Cumberland, was secured. By this means parties of guerillas were prevented from coming down both the valleys and creating uneasiness and damage along the Ohio river, and, above all, a *place d'armes* was secured between these two rivers at their junction with the Ohio, which could be made impregnable and capable of future importance in moving toward Nashville, the capital. At a glance the importance of these two rivers becomes apparent, and yet the problem was a "dark" one in the early campaign of 1861.

In the latter part of November, the twenty-fifth, 1861, General McClellan wrote to General Buell, commanding

the Department of the Ohio, detailing his plan of campaign in the west as follows :

I instructed him (the adjutant-general) to write you that I was still firmly impressed with the necessity of making the movement on eastern Tennessee with the least possible delay. I do not credit the statement that Buckner is in very large force, and I am still convinced that political and strategic considerations render a prompt movement in force on eastern Tennessee imperative. The object to be gained is to cut the communications between the Mississippi valley and eastern Virginia ; to protect our Union friends in Tennessee and re-establish the government of the Union in the eastern part of that state. Of course, Louisville must be defended, but I believe you will be able to do that while you move into eastern Tennessee. If there are causes which render this course impossible, we must submit to the necessity ; but I feel now that a movement on Knoxville is absolutely necessary, if it is possible to effect it.

On November 27, 1861, General McClellan telegraphed General Buell : "I urge movement at once on eastern Tennessee, unless it is impossible." Speaking of the above unstrategical letter of November 25, a high military authority says : "The first part of this strong letter, amounting almost to positive instruction, is rendered of no effect by the first part of the last sentence."

General Buell's letter to General McClellan dated November 27, so completely detailed the impropriety of this separation of the army by marching into eastern Tennessee and exposing his right flank to Johnston, that the general-in-chief only alluded to his east Tennessee plan of operations once afterward.

The two plans of McClellan and Fremont have been given to show how wide of the mark were the most prominent actors at the beginning of the rebellion, and that although Grant had pointed

out, on September 6, 1861, without any claim to greatness or genius, the very plan and route which his natural *coup d'œil* had shown him to be the correct one, the senior officer of his department and the general-in-chief failed to discover it.

In the capture of Paducah, Grant had solved the enigma which had puzzled McClellan and his lieutenants in the west.

Colonel Charles Whittlesey, of the Twentieth Ohio, pointed out the Tennessee river route to General Halleck in a letter dated November 20, 1861.

General Sherman, in a personal interview at St. Louis with General Halleck, December 15, 1861, spoke of the center on the Tennessee and Cumberland rivers as the suitable point of attack, and General Halleck concurred.

General Buell urged the same plan upon Halleck in a letter dated January 3, 1862, with the assistance of the gunboats. General Halleck, on January 20, 1862, wrote to General McClellan pointing out the importance of this route, but the latter still held to his idea of Buell moving toward east Tennessee, and wrote Halleck to postpone action for the present.

The Confederate line of defense extended from Columbus to the Mississippi ; eastward to Fort Henry on the Tennessee ; thence to Fort Donelson on the Cumberland ; thence to Bowling Green on the upper forks of the Barren river, and east to Mill Spring, and on to Cumberland ford and toward Cumberland gap.

The extent of this line caused Buell

and Halleck to believe that Johnston's force was heavy. Buell placed his numbers as high as sixty thousand, and Halleck had a similar idea of his strength, and yet neither seemed willing to push forward and develop the enemy's line and prove by actual encounter, in light or heavy combat, whether his strength was fictitious or real.

Grant wrote repeatedly to St. Louis, not so much to urge the importance of the Tennessee, as for the simple permission to make an attempt of *some kind* to grapple with his antagonist *some where*.

From the intelligence brought by his spies, who were in all cases reliable and trustworthy and knew the country, being inhabitants of the country in almost every instance, Grant was not impressed with the formidable strength of the Confederate forces. He was continually receiving reports of the scanty troops under Johnston and their poorly armed condition, and he frequently sought an opportunity to prove that he was correct.

Earlier, at Belmont, he had demonstrated to Fremont the fact that he was right; when with three thousand men he destroyed the Confederate camp and returned with one hundred and seventy-five prisoners and two captured cannon in the face of an enemy who had been reinforced to seven thousand in number.

To prepare recruits for the dangers and actual duties of a campaign, it became necessary to test them under fire and by the fatigues of marches, and thus educate them for the heavy requirements of actual war.

After being repeatedly ignored by Halleck, Grant again asked permission on January 28, 1862, for his command to be allowed to take Fort Henry and entrench preparatory for a further movement.

Flag Officer Foote, chafing with the policy of inaction which seemed to rule in the west as in the east, wrote the same day to Halleck, giving strong reasons to show that Grant was right and saying that he was perfectly willing to divide the responsibility of the attempt with him.

On February 1, a communication from Halleck was received giving the permission requested. The force of this request may be understood when we consider that in December, 1861, Halleck had written to McClellan that he had not troops enough to hold Missouri. But Halleck's report for January, 1862, shows 91,000 soldiers under his command; and says General Smith, "the whole organized Confederate forces, against which he was operating in Missouri, did not amount to 20,000 shoeless and half-armed men, and President Lincoln had informed him of all that was necessary to know, viz: that the intended movement was toward Bowling Green and Nashville."

On the back of Halleck's letter to McClellan, Abraham Lincoln on reading it, endorsed these words, "The within is a copy of a letter just received from General Halleck. It is exceedingly discouraging. Here, as everywhere else, nothing can be done."

Let us examine, before going further, the figures of Johnston's strength. His

return for December, 1861, gave the *personnel* of his command, including Arkansas, East Tennessee, Alabama, Mississippi and Tennessee as 77,908 complete, which was the whole Confederate strength and of which 45,000 were opposed to Buell.

The above troops were poorly armed, and some regiments were, it is said, unprovided. Notwithstanding these facts, Buell and Halleck both magnified Johnston's numbers.

Halleck, in a letter to McClellan, January 20, 1862, says, speaking of an advance up the Cumberland and Tennessee and in Nashville, says: "The plan should not be attempted without a large force, not less than sixty thousand effective men."

He had previously, December, 1861, said to McClellan—"The 'on to Richmond' policy here will produce another Bull Run disaster, you may rely on this." We shall see how Halleck acted to prevent such a disaster.

On January 13, 1862, Buell telegraphed to McClellan, "by the organization of the Kentucky regiments, and the introduction of raw regiments from Ohio and Indiana, our numerical strength has suddenly risen from seventy thousand to ninety thousand. It is unnecessary to say that a large proportion of this is unfit for active operations. It ought to be increased to one hundred and twenty thousand.

The impartial reader of the history of the war cannot fail to remember that some of the "raw" regiments above alluded to by General Buell were among

the most valiant in the service after an opportunity for fight was given them.

The conduct of the Second Iowa at Donelson, as a single instance and in fact the whole fight at Shiloh, disproves his language.

On receipt of the permission to advance January 28, 1861, Grant made preparations for moving seventeen thousand, his entire force, up the Tennessee river with as little delay as possible, and started February 3, 1862. The capacity of the transports which the quartermaster department could obtain at the time was not sufficient to carry his entire force, and he was obliged to divide it into two detachments and land them separately nine miles below Fort Henry.

An opportunity was presented for sudden concentration to Johnston, and had he improved it more, its results might have been greatly in his favor.

The Federals were experimenting upon his line. Both Buell and Halleck magnified his numbers. His line of defense was long, and his actual force did not permit him to scatter his troops.

To keep up this show of strength which had mystified the Federal generals, it was his duty to watch closely, and when an opportunity was presented for crushing a light column, to concentrate at once and win a success at the outset. The failure of Grant's column in the very commencement of their march, so to speak, would confirm the false impression of Halleck and Buell, and might have delayed the campaign another year.

It was the supine lack of vigor dis-

played by Johnston, which enabled the Federals to discover that they had overrated their antagonist, and the wedge once entered, it did not require long to rive the trunk asunder.

If the question be asked, why Johnston did not attack, with equal justice may we ask why Halleck allowed a column of seventeen thousand to advance upon the key of Johnston's position, when he (Halleck) had already reported that his opponent was sixty thousand strong or could bring that number to bear at the decisive point.

We look in vain for those vigorous tactics and severe marches which en-

abled Napoleon, from Roverbello, in 1796, to strike at the Austrians as they debouched in several columns from the Tyrol and to defeat each in detail.

Here was but a single column; and a proper attempt would have at least given history and military students a higher opinion of Johnston as a great leader, and have substantiated those claims which have been made for him as a superior general, but which claim is not borne out by his campaigns.

General Albert Sidney Johnston belonged to the second grade of commanders.

S. CHAMBERLAIN.

#### VOYAGES AND EXPLORATIONS LEADING TO THE DISCOVERY OF CALIFORNIA.

THE islands found by Columbus in his voyage across the Atlantic, in 1492, were supposed to be situated in the immediate vicinity of Asia, the eastern limits of which were then unknown, and their discovery was the result of endeavors to reach, by a westerly course, the shores of India. From the country last named, and from China and Japan, Europe, at that era, chiefly derived its gold, silks, precious stones and spices. Of the wealth of those empires, vague accounts had been brought by travelers.

With the same objects in view as Columbus, the Portuguese had long been engaged in exploring the Atlantic coast of Africa, southward and eastward, in search of some channel or sea

by which their ships might enter the Indian ocean—being encouraged in their exertions by the bull of Pope Nicholas V., issued in 1454, assuring to them the exclusive navigation, trade, fishery and conquest in all seas and countries which they might find in that course not before occupied by a Christian prince or people. They had not reached, however, the southern extremity of Africa when Columbus returned from his first voyage across the Atlantic; and, immediately afterwards, the united Spanish sovereigns procured from Pope Alexander VI. bulls granting to them and their successors forever exclusive privileges with regard to the seas and countries which might be found by navigation towards

the west, similar to those conferred on the Portuguese as to seas and countries east of the Atlantic.

Upon these extraordinary commissions as bases was founded the celebrated "Treaty of Partition of the Ocean," concluded at Tordesillas, on the seventh day of June, 1494, between the sovereigns of Spain and the king of Portugal—then the greatest maritime powers of Europe. By this treaty the Portuguese were to enjoy and possess the exclusive rights of discovery, trade, conquest and dominion in all the seas and territories not previously belonging to a Christian prince or people east of a meridian line passing three hundred and seventy leagues west of the Cape Verd islands; and the Spaniards were to possess the same rights in all seas and pagan lands west of that line, no provision being made for the contingency of the meeting of the parties proceeding in these opposite directions. The two nations having thus, under the guaranty of the highest authority then recognized in Europe, settled the conditions on which they were to appropriate to themselves respectively nearly all the seas and nearly all the land on the globe, without regard to the wishes or claims of any other people, each continued its search for a navigable passage to India, generally, though not always, within the limits assigned it.\*

Now commenced a great career of discovery by the maritime powers of Europe, which, during the sixteenth and seventeenth centuries, brought to

light the existence of so many seas and countries before unknown to the civilized world; for England immediately and the French soon after, followed the Portuguese and Spaniards in their explorations, notwithstanding the papal prohibitions. Only three years subsequent to the treaty of Tordesillas, before mentioned, John Cabot, an Englishman, sailing under the flag of his country, reached the American continent first of all civilized men, unless, indeed, faith be put in pre-Columbian discoveries of the New World. But the name America was not applied to the western continent until the year 1507, where it is to be found for the first time in a work written by Martin Waltzemüller, under the assumed name of Hylacomylus,† entitled 'Cosmographia Introductio,' printed at St. Dié, in Lorraine.‡ In 1499 the Portuguese were successful in their search for a navigable passage to India, having sailed around the southern extremity of Africa, and they soon after established their dominion or influence over many eastern countries.

When Cabral, in 1500, sighted the shores of Brazil, he gave the name of "Terra Sanctæ Crucis" to the new found region—the land of the Holy Cross. The coast was taken possession of by the Portuguese, as it was found to extend east of the meridian of partition established at the treaty of Tordesillas. The Portuguese also explored the coasts

\* 'History of Oregon and California,' by Robert Greenhow, fourth edition (Boston: 1847), p. 44.

† 'Humbolt's *Examen Critique*, IV., 99.

‡ 'Winsor's Narrative and Critical History of America,' Vol. II, p. 164.

of South America, disregarding the restrictions of the treaty, in hopes of finding in that direction a passage to India; and it was long believed that such a passage had actually been discovered by one of the early navigators, Gaspar Cortereal, which caused many voyages to be made to the northeastern shores of the new continent. Cortereal was a Portuguese. He explored the coasts of Labrador in 1499 and 1500, and probably sailed through Hudson strait, to which was given the name of the "Strait of Anian," and this was the supposed passageway to India.

The Spaniards, though not so successful as their Portuguese neighbors in the discovery of a navigable waterway to India had, in the meantime, been busily engaged in planting colonies on the islands they had discovered, and to which they had given the general appellation of "West Indies." When thus named by them, they were supposed to be "a part of Asia, and, as the mariner wandered among the Bahamas, or steered his caravel across the Caribbean seas, he fancied he was inhaling the rich odors of the spice islands in the Indian ocean." Hence, too, the name "Indians," which was given to the aborigines of these newly discovered regions, which in time was extended to the whole red race of the New World, except at the extreme north.

In the explorations of these Spaniards from the "West Indies" to the westward, coasts were discovered, which were soon ascertained to be the borders of a vast continent; and the constant

assertions of the natives inhabiting these newly discovered shores that powerful and rich nations and a great sea existed towards the setting sun, induced these explorers to follow up their discoveries in that direction. This finally resulted in bringing to the knowledge of the civilized world the existence of a great ocean on the other (west) side of the continent, to which was afterwards given the name of "Mars Pacifico"—the Pacific Ocean—but which at first was called the "Great South Sea." From the highest point of land constituting the narrow neck uniting the two parts of the New World—the Isthmus of Darien—Vasco Nunez de Balboa, in 1513, first of all Europeans, beheld this mighty expanse of water. It was but natural to suppose that the sea thus discovered washed the eastern shores of India; and as, by this discovery, the proximity of the two great oceans—the Atlantic and Pacific—was proven, a new impetus was given to the efforts of the Spaniards to find a passage leading from the former to the latter—resulting finally in the discovery, by Fernando Magellan, in 1520, of the strait now bearing his name.

Magellan, having sailed westward across the "Great South Sea,"\* reached India from the east; so that the geographical question as to the circumnavigation of the globe was now solved; and to this navigator, a Portuguese by birth, in the employ of Spain, belongs

\*It was this navigator (whose real name was Magalhaens or Magalhaes) who first gave to this ocean the name of "Pacifico"—Pacific.

the honor of having first accomplished this most important achievement.\*

While, however, Magellan's ships were on their western route to India, the wealthy and powerful empire of Mexico, which had been discovered in 1518, by a party of Spaniards from Cuba, was conquered by Hernando Cortés; and Spain immediately became the richest nation of Europe. The reports of the brilliant results of this conquest drew to the West Indies crowds of adventurers, all eager to acquire wealth and renown by similar means. These united in bands under daring and experienced captains, and ranged through parts of both North and South America, seeking mines of precious metals to work, or rich nations to plunder. In this manner, Peru was subjugated by Pizarro and his followers before 1535. Other expeditions were fruitless as respects the principal objects in view; while in the course of them, many distant shores and interior regions were explored which would otherwise, perhaps, not have been visited for centuries.†

After Cortés had completed the conquest of Mexico, he commenced exploring the adjoining seas and countries, no doubt with the hope of discovering lands richer than those which he had conquered and which would afford new fields for the exercise of his daring enterprise and undaunted perseverance. He employed vessels in surveying the coasts of the Gulf of Mexico, and of the Atlan-

tic more to the northward. Vessels were built upon the Pacific coast for like purposes, two of which as early as 1526, were sent to the East Indies.

The first expedition of the Spaniards along the western coast of Mexico, going northwestward, was conducted by Pedro Nunez de Maldonado, one of the officers of Cortés. He sailed from the mouth of the Zacatula river, in July, 1528, and was six months engaged in surveying the shores from his starting-place to the mouth of Santiago river, a hundred leagues distant. The territory he visited was then called Xalisco and inhabited by fierce tribes of men who had never been conquered by the semi-civilized Mexicans. Flattering accounts of the fertility of the country and of the abundance of the precious metals in it were brought back by the expedition, which served, of course, to excite the Spaniards; but when Maldonado returned, Cortés was in Spain whither he had gone to have his title and power more clearly defined. He returned in 1530, with full authority to make discoveries and conquests upon the western coasts of Mexico. However, from opposition of enemies he was prevented from fitting out an expedition before 1532. At this time, the most northern post on the Pacific coast occupied by the Spaniards was Aguatlan. Beyond this, the coast was known only for a short distance with any degree of certainty.

The second expedition sent up the Pacific coast by Cortés was entrusted to the command of a kinsman—Diego Hurtado de Mendoza. He sailed from

\*For a late and most excellent paper on "Magellan's Discovery," see Rev. Edward E. Hale, D. D., in Winsor's 'America,' Vol. II, pp. 591-617.

†Compare 'Greenhow's History of Oregon and California,' p. 48.

Tehautepec in July, 1532, in two small vessels, proceeding slowly along the shore as far north as the twenty-seventh degree of latitude, when his crew becoming mutinous, he sent back one of his vessels with the greater part of his men and continued the voyage with the remaining vessel. Vague reports were afterward received by Cortés that Mendoza's vessel had been blown ashore somewhere to the northward and that all on board had perished. Whatever may have been their fate, nothing more was ever heard of them.

On the twenty-ninth of October, 1533, Cortés, having received the news of the return of the vessel sent back by Mendoza—it had been stranded near the mouth of the Vandas, and after the greater part of the crew had been murdered, the vessel had been plundered by Nuno de Guzman, governor of Xalisco\*—dispatched two ships under the command of Diego Becerra, in search of the other. These ships, the *San Lasaro* and *Concepción*, being blown to sea, first saw land in north latitude twenty-nine degrees thirty minutes, on the eighteenth of December following, "when, coasting south and east, they developed the lower parts of the California peninsula. Mutiny, and attacks of the natives, during one of which the chief pilot, Ximenes, was killed, were the hapless accompaniments of the undertaking, and during stress of weather

the vessels were separated."† Both vessels finally returned—the *Concepción* in a crippled condition.

Soon after this, Nuno de Guzman sent out from his country of Xalisco, several exploring parties in a northerly direction, one of which traced the western shore of the California gulf as far as the mouth of the Colorado river—the nearest approach up to that date of civilized man to the present state of California—bringing back accounts of a rich and populous country and splendid cities in the interior. Cortés having heard these reports—the country was said to abound in the finest pearls—determined to explore the region in person. He embarked at Chiametla, whither he had previously sent three armed vessels, and at the beginning of May, 1535, landed at the Bay of Santa Cruz, in the California peninsula. He had with him one hundred and thirty men and forty horses. He took possession of the new land on the third day of the month just mentioned.‡ Cortés sent back two of his ships to Chiametla to bring over the rest of his troops (for he had with him only a part of them who marched to that point). Meanwhile, the commander coursed up the easterly side of the gulf, and opportunely fell in with one of his own vessels returning with supplies. The other also reached Santa Cruz, so that his almost famished colony was

\* Mr. Winsor, in his 'America,' Vol. II, p. 393, says both vessels were lost. This is true in one sense, although the first one, as we have shown, was only stranded, while some of her crew were saved.

† Winsor's 'America,' Vol. II, pp. 441, 442.

‡ The notary's act of possession will be found in the Spanish language, in Navarrete, IV, 190. A translation is given in Winsor's 'America,' Vol. II, p. 442.

now fully relieved. Again the two vessels were dispatched to the Mexican coast, but only one returned, the other was wrecked on the way out. Cortés took seventy men, on hearing of this disaster, and embarked for Xalisco, from which country he arrived just in time to save his troops on the peninsula from death by famine.

A year had now been spent in these operations. The troops under Cortés began to grow discontented. A few pearls had, it is true, been found on the coast, but the country proved to be barren and without attractions for Spaniards. In the meantime the wife of Cortés, hearing reports of his ill success, sent a vessel to the peninsula, entreating him to return. He then learned for the first time that he had been superseded in the government of New Spain by Antonio de Mendoza, who had already entered the capital of Mexico as viceroy. Cortés returned hurriedly to Mexico and soon after recalled the vessels and troops from the peninsula.

Just here let us step aside to note the fact that the appointment of Mendoza was the commencement of the viceroy system, afterward pursued by Spain, of intrusting the administration of her colonies in the New World to some individual whose high rank and personal consideration might make him the fitting representative of royalty. The jealousy of the court of Spain did not allow of their remaining long on the same station; and they were either recalled or transferred to some other province. From 1535 to 1808, fifty viceroys had been sent to Mexico, only

one of whom was born in America, and he was a native of Peru.

Cortés (who retained powers similar to those given Mendoza, but with the title of "Governor" only) had not given up the idea of further exploration of the peninsula of California. He was spurred on by indications that the new viceroy was already concocting plans to circumvent him in that regard; so getting together three well-equipped vessels, he put them under the command of Francisco de Uloa. On the eighth day of July, 1539, the latter left Acapulco, directing his course first to the land discovered by Cortés, but before reaching the peninsula one of his vessels was lost in a storm. From the bay where Cortés had landed, he started to survey the coast northward. He completely examined the shores of what is now known as the Gulf of California, demonstrating the fact of the connection of the peninsula with the main land. To the gulf he gave the name of the "Sea of Cortés." Having returned to the Bay of Santa Cruz, he sailed again on the twenty-ninth of October, this time in the opposite direction. He rounded the point at present known as Cape St. Lucas and sailed along the western coast of the peninsula towards the north. His vessels proceeded slowly, as they were opposed by strong northwest winds. In January, 1540, Uloa had reached the twenty-eighth parallel of north latitude. Here he discovered an island near the coast, to which he gave the name of the "Isle of Cedars." Remaining there until April, he despatched one of his ships to Mex-

ico with his sick and with the news of his discoveries. The remaining vessels were never heard of afterwards. It was the ending of Cortés' explorations of the unknown waters of the north.

/ Meantime, the viceroy, Mendoza, had received some information concerning the country northwest of Mexico. The region was said to be rich and populous. The viceroy, wishing to ascertain the truth as to these reports, sent two friars to make an exploration. They penetrated a considerable distance into the interior, bringing back glowing accounts of rich and delightful regions which they claimed to have discovered. These accounts were believed, and Mendoza prepared an expedition for the conquest of the country. Two bodies of troops, one by land and

the other by sea, were despatched to reconnoitre the newly discovered region and clear the way for conquest. The land expedition under Francisco Vasquez de Coronado, having wandered a long time in the interior, not to the northwestward but to the northeastward, returned to Mexico. What is now one of the states of our Union known as California had not in any of its parts been seen by a civilized explorer. No white man had set foot within what are now its boundaries; but did the expedition which went by sea and which returned to Mexico before the end of the year, reach what is now southeastern California? This is a question we will reserve for consideration in a subsequent paper.

CONSUL WILLSHIRE BUTTERFIELD.

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## MILWAUKEE.

### II.

WHEN, on the fifth day of October, 1699, J. F. Buisson St. Cosme found, on the river "Melwarik," a village inhabited by Mascoutins and Foxes and some Pottawattamies, he only discovered what had been a number of years in existence—exactly how many years is unknown; for, in 1680, the Recollet Father, Zenobe Membré, declared that the nation of the Mascoutins and Foxes dwelt "at about forty-three degrees north latitude, on the banks of the river called Melleoki, which empties into Lake Dauphin [Lake Michigan], very

near their village." Although only a part of the nation of the Mascoutins and the Foxes lived there then,\* it is sufficiently certain that a considerable band of the first-named and a somewhat smaller number of those last-mentioned made the banks of the river "Melleoki" (Milwaukee) their dwelling-

\* This is proved by the fact that in the very year (1680) that Membré wrote, Hennepin found Mascoutins, Kickapoos and Foxes dwelling among the lakes that are enlargements of the Fox river of Green bay, where the two nations first mentioned were living when first seen by white men. See Shea's 'Hennepin,' p. 258.

place at that date, but that their migration thither had been within the three years next preceding 1680; for that close observer, Father Allouez, in his journey along the west shore of Lake Michigan in 1677, already related, could not well have failed of seeing an Indian village at the mouth of the Milwaukee river had there been one; and, having observed it, would, in all probability, have mentioned the fact; so, too, Father Marquette, in 1674.† What now is the site of Milwaukee, then, may be said to have been first occupied by a band of Mascoutins and by one of Foxes.‡

The Mascoutins were the first of all the savages in the northwest heard of by civilized man. This was in 1615. The nation was frequently at war, it was learned by the French on the St. Lawrence, with tribes near the head of the Georgian bay of Lake Huron and with those further east. The signification of the name they bore, as understood by those who had some knowledge of them, was "Fire Nation;" but the real meaning was, "a land bare of trees;" that is, prairie land. Properly, then, they were the "Nation of the Prairie." A Jesuit chronicler says:

The Fire Nation bears this name erroneously. These Indians call themselves "Mascoutench," which signifies a "land bare of trees," such as that which they inhabit; but because by the change of a

† While some local historians state with certainty that both Marquette and Allouez were on the Milwaukee river at its mouth, on their journeys respectively in 1674 and 1677, still there is no positive evidence of the fact, although it is extremely probable.

‡ In nearly all early accounts, the Foxes are called "Outagamies."

few letters the same word signifies "fire," from thence it has come that they are called the "Fire Nation."\*

That these savages lived two hundred French leagues or more to the westward beyond the south end of the Georgian bay of Lake Huron, was all that was positively known concerning their dwelling-place. Their territory stretched away, in fact, from the Fox river of Green bay, above Winnebago lake, southeastwardly to some distance beyond what is now the site of the city of Chicago, extending, probably, at that period into southern Michigan.¶ A short time previous to 1635, a child had been captured, with its parents, from the Mascoutins by some eastern tribe; the parents were burned but the child was given to the French.§ This brief record is the only account of that period, or earlier, known to exist wherein is contained any allusion to individuals of that nation.

The knowledge of the fact that war was frequently waged between eastern

\* "Jesuit Relation," 1671, p. 45 (Quebec Ed.) They were known to the Indians near the Georgian bay as "Assistagueronons"—Fire Nation. The French, in speaking of them, gave them the same name: "Les Gens de Feu," in their language. Both names appear on Champlain's map of 1632.

¶ Sagard's "Histoire du Canada," p. 201; Champlain's "Voyages," 1632, I., 262 [272]. On his (Champlain's) map of that year, the Mascoutins are simply located beyond Lake Huron, as Lake Michigan was then unknown.

§ "Je croiois qu'il fust Hiroquois, mais j'ay appris qu'il est de la Nation du Feu; son pere et sa mere, et luy ont esté pris en guerre par les Algonquins, qui ont bruslé les parents et donné l'enfant à nos François."—Le Jeune, "Relation," 1632, p. 14.

tribes and the Mascoutins\* was followed in 1634 by the visit to their principal village of a white man—John Nicolet. It is doubtful whether any of the nation had before seen a "pale-face." He had journeyed from the St. Lawrence to the Winnebagoes (seated upon the lake which bears their name), in what is now the state of Wisconsin; thence, he ascended the Fox river of Green bay, until he reached, in the present county of Green Lake, on the south side of the stream, the chief town of the Mascoutins; but of the particulars of that visit there is absolutely nothing on record. He gave to the world no clue, directly, as to their dwelling place.† For the next thirty-six years, very little is heard of the Mascoutins. They continued only to be known as living two hundred leagues or more beyond—that is, about five hundred miles to the westward of—the south end of the Georgian bay of Lake Huron.‡ They were attacked in 1642 by two thousand warriors of the Neutral nation in one of their towns well fortified with a palisade, and

\* Synonyms: Mascoutens, Maskoutens, Maskouteins, Musquetens, Machkoutens, Maskoutench, Mot-artins, Mask8tens, Manoutensac, Mascoutenec, etc.

† The only means we have of determining the fact of Nicolet having reached the Mascoutins at all, is from the circumstance of his mentioning the tribe, and from the distance he is known to have traveled up Fox river.

‡ Sagard, in 1636 ('*Histoire du Canada*,' p. 201, before cited), places the Mascoutins westward of the south end of the Georgian bay, "nine or ten days journey by canoe, which makes about two hundred [French] leagues or more." On the map of Sanson, made afterward, they are placed in the southern part of Michigan; but their territory was then largely west of Lake Michigan.

defended by nine hundred warriors. The location of the village is unknown. It was, after a siege of ten days, taken by the Neutrals, who killed many on the spot, and made eight hundred prisoners, men, women and children. After burning seventy of their best warriors, they put out the eyes of the old men, and cut away their lips and then left them to drag out a miserable existence.|| But the Mascoutins continued a numerous people, having in 1658, thirty towns. They were, as it already might be inferred, a stationary people, not given to roving to any great distance, and in some measure they were an agricultural nation. They spoke the same language as the Kickapoos, with which tribe there seemed to be a very close alliance, if not relationship.

It will be remembered that in April, 1670, Father Allouez departed from Green bay, where he had, through the winter, been imparting spiritual instruction to the Pottawattamies and other Indians, for other fields of labor. "On the sixteenth of April [1670]," says he, "I embarked to go and commence the mission of the Outagamies [Fox Indians], a people well known in all these parts. We were lying at the head of the bay [Green bay], at the entrance of the river of the Paunts [Fox river] which we have named 'St. Francis.' In passing, we saw clouds of swans, bustards, and ducks; the savages take them in nets at the headwaters of the bay, where they catch as many as fifty in a night.

|| Lalemant, '*Relation des Hurons*,' 1644, p. 98, Compare Parkman's '*Jesuits in North America*,' p. 436.

This game, in the autumn, seek the wild rice that the wind has shaken off in the month of September.

The seventeenth [of April, of the same year], we went up the St. Francis [Fox river]—two and sometimes three arpens wide. After having advanced four leagues [about ten miles] we found the village of the savages named Saky [Sacs, Sauks or Saukis], who had begun a work that merits well here to have its place. From one side of the river to the other, they have made a barricade, planting great stakes which reach two fathoms above the surface of the water, in such a manner that there is, as it were, a bridge above for the fishermen, who, by aid of little bow-nets, easily take sturgeon and all other kinds of fish which this pier stops, although the water does not cease to flow between the stakes. They call this device Mitihikan. They make use of it in the spring and a part of the summer.

The eighteenth [of the same month], we made the portage, which they called Kekaling [now Kaukauna]; our sailors drew the canoe through the rapids; I walked on the bank of the river, where I found apple trees and vine stalks, [wild grape vines] in abundance. The next day our sailors ascended the rapids for two leagues, by using poles. I went by land as far as the other portage, which they called Oukocitining; that is to say the highway. We observed this same day the eclipse of the sun, predicted by the astrologers, which lasted from mid-day until two o'clock; the third (or near it) of the body of the sun appeared eclipsed; the other two-thirds formed a crescent. We arrived, in the evening, at the entrance of the Lake of the Paunts [Winnebago lake], which we have called Lake St. Francis; it is about two leagues long and four wide; it is situated from north-northwest to south-southwest; it abounds in fish, but uninhabited, on account of the Nardouecis [Sioux] who are here dreaded.

The twentieth [of April, 1670], which was on Sunday, I said mass, after having navigated five or six leagues in the lake, after which we arrived in a river [the Fox, at what is now Oshkosh] that comes from a lake of wild rice [Big Butte Des Morts Lake], which we went into, at the foot [head] of which we found the [Wolf] river, which leads to the Outagamis [Fox Indians] on one side and that [the Fox river] which leads to the Matchkoutench [Mascoutins] on the other. We entered into the former [the Wolf]. . . . The twenty-ninth [of April, of the same year, having returned from the Fox Indians living up the Wolf river] we entered into the [Fox] river, which leads to

the Matchkoutench [Mascoutins], called Assista Ectaronnons, Fire Nation ["Gens de Feu"], by the Hurons. This [Fox] river is very beautiful, without rapids or portages [above the mouth of the Wolf]; it flows to [from] the southwest.

On the thirtieth [of April], having disembarked opposite the village [of the Mascoutins], and left our canoe at the water's edge, after a walk of a league [about two and a half miles] over beautiful prairies, we perceived the fort [the palisaded town of the Mascoutins]. The savages having discovered us, made first a cry in their village; they ran to us, accompanied us with honor to the wigwam of the chief, where first they brought us refreshments and greased the feet and legs of the Frenchmen who were with me; afterward they prepared a feast.

After giving an account of the feast and the harangue of one of the old men and his reply, Allouez says "that these people are established in a very fine place, where we see beautiful plains and level country as far as the eye reaches. The river leads into [by continuing up the Fox to the portage, thence across to the Wisconsin and down that stream] a great river called Messisipi." The missionary remained but three days in the Mascoutin village; whether he and his companions were the first white men after Nicolet in 1364, who visited there is not known; there are some reasons for believing that French traders had not long before preceded them,\* how-

\*We will mention one circumstance. Father Dablon, in speaking of the reception given by the Mascoutins to Allouez (meaning, it is thought, upon his first visit), says he was "received as an angel from heaven, particularly by those who having recently arrived from the quarters of the south had never had knowledge of any Frenchman; they could not satisfy themselves with gazing on him." The idea is here conveyed that some strangers only had not before beheld white men; and it seems altogether certain that if Frenchmen had reached their village not long before the visit of Allouez, they were traders; for the missionary found some of that class among the Foxes, on Wolf river, only a few days before reaching the village of the Mascoutins.

ever, Allouez advent is the first on record.

On the thirteenth of September following, not only Allouez but Father Claude Dablon reached the Mascoutin village—the return of the first named with his companion, being greeted by an out-pouring “of the whole people.” Father Dablon, in writing of the village soon after, says it was joined in the circle of the same barriers to another people, the Miamis; that they, with the Mascoutins, composed together more than three thousand souls, being able each one to furnish four hundred men to defend themselves against the Iroquois, who come even into these distant countries to seek them.

To gather the nations of Indians living on Green bay and the Fox river to the great council at Sault de Ste. Marie, to be held by Saint-Lusson in the spring of 1671, Nicholas Perrot visited the Mascoutin village upon the stream just-named immediately after the second visit there of Allouez and Dablon.

Not three years had elapsed after this visit of Perrot to the Mascoutins, before their village was again reached by white men other than traders; this time there were seven in number: Louis Joliet, Father James Marquette and five French *engages*. “This town,” says Marquette, in speaking of the village of the Mascoutins, “is made up of three nations gathered here—Miamis, Mascoutins and Kickapoos. The first are more civil, liberal and better made; . . . . The Mascoutin and Kickapoos are ruder and more like peasants compared to the others.” “As bark for

cabins,” continues Marquette, “is rare in this country, they use rushes, which serve them for walls and roof, but which are no great shelter against the wind and still less against the rain when it falls in torrents. The advantage of this kind of wigwams is that they can roll them up and carry them easily where they like in hunting time.” The missionary gives a glowing description of the country. “I felt no little pleasure,” he says, “in beholding the position of this town; the view is beautiful and very picturesque; for, from the eminence on which it is perched, the eye discovers on every side prairies spreading away beyond its reach, interspersed with thickets or groves of lofty trees. The soil is very good, producing much corn; the Indians gather also quantities of plums and grapes, from which good wine could be made if they chose.”

It has already been related how that, on the twenty-first of November, 1674, Father Marquette, on his journey to the Kaskaskias upon the Illinois, gained knowledge of some Mascoutins being near him, “to the number of eight or nine cabins;” so that portions of this nation were certainly in the habit of hunting, at that date, not very far to the southward of the Milwaukee river and near the shore of the lake. That a band of this tribe should have, within the next six years, located themselves at the mouth of that stream, is, therefore, not at all a matter of wonder, especially as we know that in the region round about “deer hunting was very good.” Besides, in 1679, Mascoutins

were not only on the St. Joseph of Lake Michigan, at a point near what is now South Bend, Indiana,\* but the next year (1680) it is known that portions of this nation still had their homes on the Fox river of Green bay, which shows how widely they were scattered at this date.† However, a part had gone to another village, intending to form an alliance with the Iroquois against the Illinois.‡ But Father Zenobe Membré declares that, as we have before stated, not Mascoutins only but Foxes were, in 1680, dwellers "on the banks of the river called Melleoki." So, of this tribe, we must give some account, to the end that the representatives of both nations who first became residents upon the site of the present city of Milwaukee, within historic times, may have something recorded of them ante-dating that event.

New-comers were the Foxes in the country west of Lake Michigan when first heard of by the Jesuit missionaries.

\* "Here," says Margry, Vol. I, p. 463, is "un village de Miamis, Mascoutens et Ouyatanons [Weas] ramassez ensemble."

† Shea's 'Hennepin,' p. 258.

‡ Historical Magazine (July, 1861), Vol. V, p. 198. It is not impossible that this explains the first settling of the Mascoutins at the mouth of the Milwaukee and the reason for it. The entire account is from Thomassy's 'Géologie Pratique de la Louisiane'—'Memoire of La Salle to Frontenac, Nov. 9, 1680,' and is as follows: "Father Allouez has retired to a village composed partly of Miamis, partly of Mascoutins and Ochiatiens [probably Weas], who have abandoned the former village and the greater number of their kindred to go and form an alliance with the Iroquois, and with them make war on the Illinois. To this end, they sent five last summer and a woman as an embassy. . . . The object of the embassy was to excite the Iroquois to unite with them to make war on the Illinois."

They lived in early times with their kindred, the Sacs, east of Detroit, and, as some say, near the St. Lawrence. They were driven west to Saginaw bay, in the present state of Michigan; thence they were forced by dread of the Iroquois, about the year 1660, to Green bay, locating, probably, at first on the lower Fox river, but finally moving to the Wolf, its principal northern branch. "The country of the Foxes ('Outagamies') is south of this," wrote Allouez from Ashland bay, while a missionary at that point, and before he had visited Green bay, "toward Lake Michigan ['Lake of the Ilinouek;'] that is, of the Illinois]. They are a people numbering about a thousand men bearing arms, hunters and warriors. They have fields of Indian corn, and dwell in a part that is very advantageous for hunting the wild-cat [meaning raccoon], the stag, the wild ox and the beaver. They do not use canoes, and ordinarily make their journeys by land, carrying upon their shoulders their packages and game."

The Sacs and Foxes were not only kindred but they spoke the same language, which was the Algonquin. The latter were of two stocks: one calling themselves "Outagamies," whence the French "Renards" and the English "Foxes;" the other, "Musquakink," or "men of red clay," the name now used by the tribe.

It will not be forgotten that Father Allouez, when he left Green bay in April, 1670, to proclaim the faith to tribes more to the westward than those inhabiting the shores of that body of water, started upon a journey to the Foxes—

"to go and commence the mission of the Outagamies, a people well known in all these parts." He entered the Wolf river from the Fox on the twentieth, which river, he declares, comes from a lake. "We saw," he says, "two wild turkeys perched on a tree, male and female, exactly like those of France—the same size, same color, same cry. The bustards, ducks, swans, geese, are in great numbers in all these lakes and rivers. The wild rice, which is their food, attracts them there. There are large and small deer, bears and beavers in sufficient great numbers. The twenty-fourth, after many turns and windings in the different lakes and rivers, we arrived at the village of the Outagamies [Foxes]. This people came to us in a crowd, in advance, they said, to see the Manitou who had come into their country. They accompanied us with respect to the door of a cabin which they made us enter."

"The nation," continued Allouez, "is renowned for being numerous; they have more than four hundred men bearing arms; the number of women and children is greater, on account of polygamy, which exists among them—each man having commonly four wives, some of them six, and others as high as ten. Six great lodges of these poor people have been defeated this month of March, by eighteen Iroquois, who, conducted by two Iroquois slaves of the Pottawatamies, secreting themselves, fell upon them, killing all except thirty women, whom they took away prisoners. The men being on a hunt, they did not meet with much resistance, six warriors only

remaining in the cabins besides the women and children, who were about a hundred in number."

It must not be supposed that this carnage took place on the Wolf river. It was a considerable distance to the eastward, where the Foxes were more exposed to their cruel enemies. "These savages," adds Allouez, "have retreated to these parts to escape the persecutions of the Iroquois. They are settled in an excellent country; the earth, which is here black, yields them Indian corn in abundance. In the winter they lived by the chase; about the end of it, they returned to their cabins, and there lived on Indian corn, which they had put in *cache* in the autumn, and which they season with fish. They have a fort in the midst of their forests, where their cabins of thick bark are, to resist all kinds of attacks. In traveling they lodge themselves with mats. They are at war with the Sioux, their neighbors. They do not make use of canoes; for this reason, they do not make war upon the Iroquois, although they are often killed by them. They are very much disparaged and reputed by other nations as penurious, avaricious, thievish, choleric and quarrelsome. They have a small idea of the French since two traders in beaver skins appeared among them. Had these traders conducted themselves as they ought, I would have had less trouble to give these poor people other ideas of all the French nation, whom they began to esteem since I explained to them the principal and only motive which brought me among them."

"In the evening," concludes Allouez,

"four savages of the Oumamis [Miami] nation arrived from two days' journey from this place, bringing three scalps of the Iroquois and an arm half dried to console the relatives of those whom the Iroquois had lately killed. The twenty-seventh, we left the Foxes, recommending to good angels the first seed cast into the hearts of this poor people, who have listened to me with respect and attention. Here is a beautiful and rich harvest for a zealous and patient missionary. We have called this mission that of 'Saint Mark,' because on St. Mark's day the faith was announced here."

Early the next year, Allouez returned "to the mission of St. Mark, at the village of the Outagamies [Foxes]." In writing of his labors, Father Dablon declares that "he set off from the Bay of Puants [Green bay], where he made his residence, the twentieth day of February, one thousand six hundred and seventy-one, during the most rigorous season of the winter, which had frozen and almost killed with cold some of those with whom he was associated, he at length arrived at their village, into which he was no sooner entered than going from cabin to cabin he encouraged some by the hope of paradise, and intimidated others by the fear of hell." "These people," continues Dablon, "are arrogant, because they are numerous. They count there more than two hundred cabins, in each of which there are five or six, and even as high as ten families. Many other nations swell this one, or rather make of it a Babylon by the licentiousness which there reigns as in

its empire. The lights of the faith not having yet been able to make an impression on their minds (as they are proud and arrogant), they had formed the design of avenging themselves, by the death of some Frenchmen, for the bad treatment which they received last summer [1670] in our French habitations. This was the cause that our young Frenchmen, who are here [at what is now Depere, Brown county, Wisconsin] trading, did not dare set foot among them; but all this gave no fear to Father Allouez, who esteemed himself happy to expose his life to a manifest danger, to carry the gospel to these poor barbarians, as he had done to all the other people of these countries." As there were no "French habitants" nearer than in the settlements upon the St. Lawrence, at that date, it is certain that Fox Indians had already visited that river for the purposes of trade.

When in the autumn of 1670, Nicholas Perrot visited Green bay and Fox river to induce the various tribes in that region to attend the grand council to be held at Sault Ste. Marie in the coming spring, he called upon the Foxes, and they were represented in the council, in May, 1671, at the taking possession at that place, by Saint-Lusson, of the country of the Upper Lakes in the name of the French king. This was immediately after the second visit of Allouez to that nation. It is certain they had not yet moved down the Wolf river to the Fox; but their migration must have occurred soon after to the river which still bears their name, on the banks of which they lived many years.

Very little can be learned of the Foxes for the next eight years—the years within which a considerable band took up their residence with the Mascoutins “on the banks of the river called Melleoki [Milwaukee], which empties into Lake Dauphin [Lake Michigan] very near their village.” While it is to be presumed that the Mascoutins at “Milleoki” at first outnumbered the Foxes, the latter were there doubtless in considerable strength. In 1679, the very extremity (to the southward) of Lake Michigan was visited by Foxes to the number of one hundred and twenty-five;\* so that it cannot be a matter of surprise that some of that nation had by this year domiciled themselves at the mouth of the Milwaukee river.

From the year 1680 to the year 1699, the Indian village of “Milleoki,” or “Melwarik,” is to a great extent a blank in our annals. At one time, probably about 1690, it was “considerable,” as St. Cosme expresses it. That is the entire “sum and substance” of our knowledge. Evidently, however, in the year in which St. Cosme paid it a visit its glory, to a considerable extent, had departed. There was a reason for it. The Mascoutins had already moved very largely to the southward. Subsequently they became totally extinct as a nation. Into what tribe or tribes they were finally merged is one of the unsolved problems of our western history. And the Foxes, having already begun the war with the French to prevent

them from ascending the Fox river, were gradually withdrawing their bands occupying outlying villages, to their more secure dwelling places on that stream.

“The Foxes,” says St. Cosme, in 1699, “who are on this little river [the Fox] that you ascend on leaving the bay to reach Wisconsin, will not suffer any person to pass for fear they will go to places at war with them; hence, they have already plundered several Frenchmen who wished to go by this road.” The war thus began continued at intervals for more than thirty years with varying success; but a description of these conflicts would not be germane to our subject for the reason that the Foxes soon abandoned (as did the Mascoutins) the river “Milwarik,” leaving the Pottawattamies largely the occupants of the village at its mouth; and none of the battles between the French and the Foxes took place there, or in its immediate vicinity.

St. Cosme declares that he remained in “Melwarik” two days, partly on account of the wind and partly to refresh his people a little, as duck and teal shooting was very plenty on the river. He left the mouth of the river on the tenth of October, 1699, “early in the morning,” and arrived in good season at “Kipikawi”—the river where now is the city of Racine, Wisconsin, though the stream has long since lost its Indian name and is plain “Root river.”

That there should have been in Milwaukee, in 1699, “even some Pottawattamies,” as St. Cosme expresses it, in-

\* Shea's ‘Hennepin,’ p. 119. ‘Margry,’ Vol. I, p. 456.

dicates the Indians of that nation had not, at that date, to any great extent, moved to the southward along the shores of Lake Michigan, but before the close of the first quarter of the eighteenth century a considerable portion of these savages had moved up the lake; so that Milwaukee was then, to all "intents and purposes," a Pottawattamie village; also, at that period, the Chicago portage and river were occupied by Indians of that nation; even the country of the St. Joseph river, in the present state of Michigan, had as occupants bands of Pottawattamies, some having gone as far eastward as the Detroit river. From, therefore, about the year 1725 onward, so long as a distinctive Indian village occupied the immediate vicinity of the mouth of the Milwaukee river, the Pottawattamies were there in the ascendant; although, as already intimated, not entirely to the exclusion of members of other tribes. The Mascoutins and Foxes gave way then not only to Pottawattamies, but also to Winnebagoes, Chippewas, Menomonees and Ottawas—a mixed population indeed.

We catch no glimpse of the occupants of the Milwaukee river during the second quarter of the Eighteenth century. There is a reason for this. The hostility of the Foxes (living upon the Fox river of Green bay at this period) to the French, caused the neighboring tribes to take sides against the "pale-faces"; so that the Foxes had for their allies not only the Winnebagoes and Menomonees, but the Pottawattamies. The combined tribes effectively closed the

portages between the waters of the upper lakes and the Mississippi to French travelers going from Canada to Louisiana, causing, of course, an entire suspension of travel up the western shore of Lake Michigan. However, peace was finally concluded before the year 1740, and Frenchmen again made their appearance to the westward of that lake. Trade was opened by them with all the western nations; and there is good reason for the belief that fur-traders, at this period, visited Milwaukee, continuing their visits even after the close of the war between England and France; that is, after the year 1761, when the former power sent troops to the westward of the lake to take possession of the country. But, for a while, as we shall now see, Milwaukee had neither French nor English traders.

At the head of Green bay, where there had formerly been a post occupied by French soldiers, English troops arrived, on the twelfth of October, 1761, under Captain Belfour of the Eighteenth regiment. Two days after, that officer departed, leaving James Gorrell in command, with one sergeant, one corporal and fifteen privates. There also remained at the post a French interpreter and two English traders—not French; while at Milwaukee, for the time being, there were none, either English or French, and it so continued for a brief period; for, on the twenty-first of August, 1762, "a party of Indians came from Milwacky and demanded credit" of Lieutenant Gorrell, "which was refused as they properly belonged to Michilimackinac." However, the lieu-

tenant made such presents to them as he was permitted to make by his government, and concluded a bargain with them, in which they promised to return and trade at his post the next spring.

The coming on, in 1763, of Pontiac's war changed the aspect of affairs very greatly in all the west. In the remarkable league formed by the western savages to drive the English out of their country, were the Pottawattamies of the rivers Milwaukee, Chicago, St. Joseph and Detroit. So the bargain made by those living upon the river first named with Lieutenant Gorrell came to naught. But the war, as is well known, proved disastrous to the savages. And when the forts of Michilimackinac, Sault Ste. Marie and Green bay had been re-occupied by British troops (for Lieutenant Gorrell had been obliged to leave his post), then English fur-traders visited Milwaukee for the first time, but not to the exclusion of Frenchmen, who were early upon the ground to traffic with the Indians.

Although for more than ten years after the ending of Pontiac's war, the Pottawattamies at Milwaukee and elsewhere conducted themselves so as to cause no complaint to be made on part of the English, either by the military commanders of the forts near them, or by the fur-traders who trafficked with them, there was a hatred still rankling in their breasts, notwithstanding the lapse of so long a time. When, therefore, the Revolutionary contest began, the English found it a very difficult task to enlist these savages (except those dwelling near Detroit) in their cause.

The farther their homes from the last-mentioned post, the greater was the difficulty in managing them. It is not surprising, therefore, that Major Arant Schuyler De Peyster, commanding at Michilimackinac, should have characterized (as he did) those living at Milwaukee, as "runagates"—"a horrid set of refractory Indians."

As the Revolutionary war progressed the Pottawattamies, as well as other tribes west and northwest of Detroit, were induced, notwithstanding their feeling of ill-will toward the English, to join them against the colonies. But the capture of the Illinois villages, by Colonel George Rogers Clark, in July, 1778, materially changed the views of many of them—particularly of the Pottawattamies of Chicago and Milwaukee, who made haste to treat with the gallant American commander. The Indians of both these places became good friends to the "Big-Knives." The British sent them presents by French messengers, "but to little purpose." Lieutenant-Governor Henry Hamilton, at Detroit, laid his plans to recover if possible the Illinois towns. He began his march in October, 1778, by way of Lake Erie and the Maumee, intending to cross over from the head of that stream to the headwaters of the Wabash, then to move down that river and the Ohio to the Mississippi, and up that stream to the Illinois villages. But aid was to be sent Hamilton—the savages to the northward and westward were to be urged to move to his support. Captain Charles Langlade and Lieutenant Gautier Verville, his nephew, were dis-

patched by Major De Peyster at Michilimackinac, to collect the Indians. This was on the twenty-sixth of October, 1778. A messenger, it is said, was dispatched to Milwaukee to invite the Pottawattamies to attend a meeting at L'Arbre Croche, not far from Michilimackinac, but the person sent failed in his mission. Then Verville went; but he, too, returned declaring that the Indians laughed at him. It required the presence of Langlade himself, before the "refractory" Milwaukee savages could be induced to take up the hatchet against the "Big Knives."\* A considerable force of savages finally gathered at Fort St. Joseph, on the St. Joseph river of Lake Michigan, only to learn that Hamilton had been captured at Vincennes; thereupon, the Indians quickly dispersed.

In the summer of 1776, the Milwaukee Indians were certainly invited to go

\* As to the means said to have been employed by Langlade to induce the Milwaukee savages to put on the war paint, see Vol. III, of this Magazine, p. 450.

The recent publication of the order of De Peyster to Langlade and Gautier, makes the story of their visit to Milwaukee one of doubt. "Mr. Langlade," wrote De Peyster, "will go from the Grand river to St. Joseph, where the Short-ears and Sauteux are, and make them assemble at St. Joseph without loss of time. Mr. Gautier will go directly to St. Joseph, there addressing himself to Mr. Louis Chevallier, to request him to assist Mr. Anise in assembling the Pottawattamies." This order, towards the last days of October—it was dated the twenty-sixth—sent both Langlade and Gautier to Fort St. Joseph, which was an English post a considerable distance up the St. Joseph river of Lake Michigan. Once there, and Langlade had onerous duties to perform. He was to assemble two nations at Fort St. Joseph (not at L'Arbre Croche); and Chevallier, the commander there, was to gather in the Pottawattamies.

against the Americans. The circumstances were these: In the first half of the year, and not long after the capture of Hamilton by Colonel G. R. Clark, it was proposed by the latter, who had returned from Vincennes to the Illinois towns, to raise a force and march against Detroit. The news of this proposed expedition soon reached the post last mentioned, where Captain Richard B. Lernoult of the Eighth (or King's) regiment of foot, was in command. He at once resolved to create a diversion in favor of the British. Lieutenant Thomas Bennet of the regulars, was sent with a force of about one hundred whites and a number of savages on an enterprise against the Illinois towns. He was ordered to go first to Chicago and there await reinforcements of savages from the north. There was at this time a plain and very direct road leading from Detroit to Fort St. Joseph. From this post a trail led from the south side of the river St. Joseph for a considerable distance in nearly a west course, but eventually it circled around the head of Lake Michigan to Chicago. Along the road just-mentioned and this trail marched Lieutenant Bennet.

On the first of July, Major De Peyster, at Michilimackinac, issued instructions to Captain Langlade to the effect that it was required of him for the good of the service of his Majesty, to start from that fort, to do his best, raise the people of Milwaukee and others bordering on Lake Michigan, and with them hurry to join Mr. Bennet at Chicago; "and in case Mr. Bennet has passed forward," said De Peyster, "you are to follow him

in forced marches, overtake him before his arrival, and to travel with him for the good of the service, in accordance with the orders which he holds from me."\*

On the thirtieth of July, Lieutenant Bennet was at Chicago with his white force and two hundred Indians; just how many of "the people of Milwaukee" were of these savages is unknown. Bennet now learned that Clark had given up his proposed march against Detroit, so he returned to his post. It is believed that Milwaukee's dusky "people" were not again called upon, in an especial manner, to go against the Americans during the war. However, that some of its population may have assisted the British after Bennet's return, is altogether probable. But now that we have reached the period of the close of the war between England and her colonies, let us for a moment glance at the political aspect of affairs, in so far as the Milwaukee region was concerned.

The territory west of Lake Michigan, including of course that which is now the city of Milwaukee, had, ever since the taking possession of the country in 1671, by Saint-Lusson, down to the treaty of peace between France and Great Britain in 1763, belonged to the government first-named. English possession was followed in 1774 by an act of parliament which placed this whole region under the local administration

of Canada—though, in reality, it was under, so long as it remained British territory, and for some years subsequent to that time, the rule of military commanders of the western posts, with but little attention being paid to the civil law. After the Declaration of Independence, the United States assumed that their possessions extended westward at least to the Mississippi, and northwest to the great lakes; but some of the states claimed either the whole or portions of the territory lying northwest of the Ohio river, which claims came in conflict with that of the general government. The claiming states were Virginia, New York, Connecticut and Massachusetts. Finally, all these claims were relinquished to the United States. Milwaukee, of course, lay within the rather indefinite boundaries of the latter as claimed immediately upon the Declaration of Independence, and this claim was made good by the treaty of 1783. Actual possession, however, was not obtained until thirteen years thereafter; so that, while the Milwaukee country was a part of the United States, it was, in reality, governed during all this time by Great Britain.

The visits of fur-traders, French or English, either periodically or otherwise, to Milwaukee were, of course, to obtain furs, giving in exchange such goods as were in demand among the savages of the place. These visits soon after the Revolution, were numerous, and a considerable trade was carried on with the "people," who were not only Pottawattamies, but Menomonees, Ottawas, Chippewas and Winnebagoes.

\* From this, it will be noticed, that Lieutenant Bennet, although from Detroit, marched under orders issued from the commander at Fort Michilimackinac. De Preyster out-ranked Lermoult.

Some of the traders had dwellings and were temporary occupants of the place. Of the Indian bands, a Menomonee named "Onaugesa" was chief. "I must state," afterwards said Augustin Grignon, "what I know of Milwaukee. The earliest chief I personally knew who lived there was a Menomonee, named Onaugesa, who had married a Pottawattamie woman living there. He had taken up his residence at Milwaukee, and became the head chief of the village. He was a brother of Mrs. Joseph Roy of Green Bay, and would often pay

her visits. I remember seeing him there when I was not more than four or five years of age, say in 1784 or 1785. I do not know how long he had been chief." But he remained at the head of the Milwaukee bands for a number of years after. It was during his chieftainship—not earlier than the year 1789—that the first permanent white resident took up his abode on the site of what is now the city of Milwaukee. This was Jean Baptiste Mirandea.

CONSUL WILLSHIRE BUTTERFIELD.

[To be continued.]

### JEREMIAH McLAIN RUSK.

It is natural that persons who have been honored with high official positions should have the esteem of all good citizens, when it is certain that their advancement has been due wholly to merit. Such, in a marked degree, has been the case with the present governor of Wisconsin—Jeremiah McLain Rusk.

The parents of the subject of this sketch were Daniel Rusk and Jane Fakner Rusk, who were married in 1811. The former died in 1845; the latter, the twenty-fifth of November, 1876, aged over eighty-six years. Their children were John, Anna, James, Buel, Daniel, Elizabeth, Jane, Samuel, Allen and Jeremiah McLain, of whom Daniel, Jane, Allen and the last-named, still survive. The youngest, Jeremiah McLain, a notice of whose life we now propose to give somewhat in detail, was born in

Morgan county, Ohio, in 1830. "The nutrition of his early youth," says a recent writer, "was drawn direct from nature's sources of supply—from the earth, the air, and the sunshine. He obtained his sturdy strength from contact with the soil; he was hardened by the storm, the summer's heat, and the cold of winter. Plain food, active outdoor exercise, the absence of care, constant association with the free and benignant influences of nature, all united to construct for him a sound body—the foundation of cheerfulness, patient endurance, hopefulness, the ability to labor untiringly, perseverance, and, in fine, all the essential qualities of success in life."\*

The death of his father, when Jeremiah was only fourteen years of age,

\* "Poliuto," in *Chicago Times*, May 1, 1886.

threw a great responsibility upon one so young; for his mother and two sisters remained at home on the farm, depending almost wholly upon him for support. He enjoyed but little schooling—only such as the country district school provided. At the age of fifteen, he secured the job of driving stage between Zanesville and Newark, Ohio. He commenced his career of a stage-driver in the employ of Neill, Moore & Co. The coach was of the old Concord pattern, and was drawn by four horses. The governor is not a little proud of his ability as a horseman, as developed at this early period, and with reason. There are few youths of the present day that, at the same age, could reach the dignity of handling a four-in-hand and be intrusted with the responsibility connected with the management of a business such as that which fell under the care of young Rusk.

In 1849, the young man was married to Miss Mary Martin, and the two moved to Wisconsin in 1853, locating in what is now Vernon county (then known as Bad Ax county), which is still his home. He diverted his attention for a time from matters on the farm and opened a hotel in Viroqua, the county-seat of his county, and also established a stage line between Sparta and Prairie du Chien, often mounting the box and refreshing himself in the use of the reins he had dropped years before in Ohio. His first official position was that of sheriff of his county, to which position he was elected in September, 1855. The incident we now narrate secured him the office. One

morning there came to his farm, and asked for some refreshment, a man driving a single horse in a buggy. He was given what he asked for, and soon after drove away. Within a short time some officers came along, in pursuit of a horse thief, and learned that the man who had stopped for something to eat was the person for whom they were in search. A query at once was started as to the course which the fleeing thief had taken, and the sheriff's officers decided to follow one trail; when they had left, Mr. Rusk concluded to follow the only other course which the fugitive could take. He mounted a swift horse and pursued the road leading to Kickapoo. After many miles of hot riding, he overtook the buggy in which was the offender, fast asleep, having been worn out with fatigue. Without a moment's hesitation, the pursuer sprang from his horse into the vehicle, and single handed, after a severe struggle, secured the criminal. The sagacity displayed in picking out the route chosen by the horse thief, the courage in attacking him without any arms, and the strength shown in mastering the man, suggested him, as we have intimated, as a suitable candidate for sheriff.

"On Sunday morning," said a Bad Ax county paper, the *Western Times*, of the thirteenth of December, 1855, "about seven o'clock, our citizens (of Viroqua) were alarmed by the cry of 'Fire at the Buckeye!' Fire had communicated to a bed in a room in the second story. When discovered, the room was full of smoke and flames, but Mr. Rusk [the landlord] rushed into

it and succeeded in partially stifling the fire, when he fell to the floor from the effects of suffocation and exhaustion and crawled to the door; then he again rushed in and brought out a burning trunk. Mr. Rusk's hands are very badly burned, so much so that he will not have the use of them for several weeks."

"The flames," continued the *Times*, "were effectually subdued in a short time by the citizens, who collected in a few moments and showered snow upon the fire. Damages about three hundred dollars. We bespeak a liberal patronage for our popular high sheriff [Mr. Rusk], the keeper of the Buckeye House, who is thus suddenly crippled for a second time within a few months, he having had the misfortune to put his knee out of joint early in the spring in landing from a Mississippi steamer."

"Jeremiah M. Rusk," said the editor of the paper just quoted from, on the fourteenth of October, 1857, "the candidate for coroner [on the Republican ticket] is now sheriff of the county. He is landlord at the 'North Star,' and everybody knows that they'll get good fare when they call on him." "Jeremiah M. Rusk" was elected coroner.

In 1861, Mr. Rusk was elected to the legislature of Wisconsin. "A very strong petition," wrote he, in after years, "was signed and presented to me while a member of the legislature, urging the changing of the name of the county ('Bad Ax') to something else, but not designating what. At that time I was not very favorable to the change, but when the legislature convened I be-

came thoroughly convinced that the name was a detriment to the county. Whenever I arose and addressed the chair, and the speaker recognized 'the gentleman from Bad Ax,' everybody in the chamber turned to look at me to see if I looked like the rest of the members!" The name was promptly changed to 'Vernon.'"

Mr. Rusk enlisted in the Twenty-fifth regiment of Wisconsin volunteer infantry on the fourteenth of September, 1862, and received a major's commission, to rank from the twenty-second of July. He was offered the colonelcy of the regiment which he had raised, but refused, asking to be made major, for the reason that he had no military experience, and for the further reason that, as he supposed, a major had little to do with the management of the regiment. "I did not think," he said, "that I was competent to take command of a regiment, or that I had the experience necessary in military matters to fit me for any rank higher than that of major, which, at that time, I regarded as more ornamental than otherwise. I soon found, however, after I was in active service, that I was seriously mistaken in my estimate, and that the major had more to do than any other officer. As a matter of fact, I was practically in command of the regiment from the time I went into the field until the close of the war."

After a brief service in the Minnesota Indian campaign, the major's regiment was ordered down the Mississippi and up the Yazoo river, and subsequently participated in the siege and capture of Vicksburg. After that place fell, Major

Rusk returned to Helena, Arkansas, and was promoted to lieutenant-colonel of his regiment, his commission bearing date the seventeenth of August, 1863, and served a short time as president of a court martial there.

On the first of February, 1864, Colonel Rusk took command of his regiment, joined General Sherman's army, and participated in the Meridian campaign. He was complimented in general orders for the discipline he maintained on that march and for not losing a man from straggling or inattention. He continued with General Sherman, participating in all the hot fights in the Atlanta campaign from the first of May until the battle of Jonesboro', which gave the Union forces possession in September of Atlanta.

At the battle of the "Twenty-second of July," when the heroic McPherson fell, Colonel Rusk was in command at the front and lost one-third of his men. During the battle he was once fairly cut off from his command and surrounded by Confederate soldiers armed with saber-bayonets. His sword was seized and he was ordered to surrender, but drawing his pistol he used it with such deadly effect that he broke through his assailants and escaped with a slight wound in his leg and with the loss of his sword and his horse—the animal being literally riddled with bullets.\* This incident is mentioned in illustration of his bravery and daring. Conduct under

trying circumstances is a fair index of character. Opportunities make men; we are creatures of circumstances.

At the battle of Jonesboro', Colonel Rusk followed Hood back into Alabama, then returned to Atlanta; and in Sherman's "March to the Sea" he had command of the advance of the Seventeenth corps, having the skirmishers, pioneers, engineers and the pontoon train under his charge. In the Carolina campaign, from Beaufort Island north, he was brevetted colonel, to date from March 13, 1865, and on the same day was brevetted brigadier-general for gallantry at the battle of Salkahatchie, in February previous. A very exciting occurrence attended the crossing of that river. General Mower was in command of the division in which was the regiment commanded by Colonel Rusk. The division was moving north from Beaufort directly toward the river, while the remainder of the army of Sherman was converging toward the same point. Where the crossing had to be made, the enemy was in strong force on the other side, and defending the crossing with a heavy infantry column and batteries of artillery. The only approach to the ford was along a narrow road through a swamp which was then covered with water too deep to permit the movement of cavalry or heavy guns. It was a position almost as strongly protected and as difficult of capture as the celebrated bridge of Lodi.

There was a race among all the divisions to first reach the crossing, and on the morning just before the point was within attacking distance Mower's

\* In regaining his lines, Rusk's progress was particularly barred by a Confederate with a lowered bayonet; but the soldier was killed by a shot from the colonel's pistol.

division was in the lead, and the brigade in advance of the division was that to which Rusk's command was attached. Mower rode up with his staff and could not find the commander of the brigade. He inquired of Rusk where the officer was, to which the latter replied that he did not know, but that he was ready to move at once. Mower replied that he could not wait for the return of the officer, but would move another brigade. Rusk was indignant that he should be ignored. "He did not wish," as he said, "to be cheated out of the lead." Going up to Mower, he said: "General Mower, I protest against being left behind, because it is not my fault that the officer is absent. I want the advance." Mower, however, would not listen; he went away, ordered the division forward, and put the other brigade in the advance.

Later Mower seems to have recalled the protest. He found the route to the crossing an embarrassing one, whereupon he said to one of his staff officers, Captain de Grasse: "Bring up that colonel who objected to remaining behind and we'll give him a taste of what he's yearning for." Rusk received the order from the aide, and rode up to Mower and asked him if he had any orders. "None," he said. "Drop right down there," pointing to the crossing, "throw your men in and clear that road. I wish to get to the river. If you don't do it right, I'll know it. That's all, now go."

Rusk got his command in position and charged down the narrow causeway that led to the ford, and which was

swept by the shell and musketry of the enemy. His men were cut down in dozens, but he persevered and gained the position after a desperate contest. In the charge, a shell cut the brow-band of the bridle of the colonel's horse; the animal fell to the ground and threw the rider over his head. The colonel scrambled to his feet, and, although considerably bruised, headed the column on foot. The same shell took off the head of his bugler and killed two other men who were immediately behind him. The tremendous cannonade demoralized the staff of Mower, who were following in the rear of Rusk's column, and they took cover by leaving the causeway and taking refuge in the swamp, but found that route impassable, and were obliged to dismount and make their way on foot.

Colonel Rusk carried the crossing. "I made a crossing," he says, "and was successful—as I thought, very successful. I reported back to Mower, who ordered another brigade in to relieve us, and then we went back into camp." He had scarcely reached camp when a messenger from Mower ordered him to report to headquarters. Rusk was nonplussed at the reception of this order, as he was not certain as to whether he was to be commended or condemned for what he had done. "I was in doubt," afterward said the governor; Mower used to get a little full at times, and I did not know what to expect." He "fixed up," and rode over to Mower's quarters. Colonel Christianson was standing in front of Mower's tent as Rusk rode up, and offered to carry in any message which

he wished to send. Rusk replied that he had been ordered to report to Mower, and must see him in person. Just then Mower from within the tent called—"Come in! Come in!"

Colonel Rusk pulled aside the flap of the tent, entered and saluted the general. The latter glared at him for an instant and then said: "Yes, sir; I sent for you. You are the only man in this army, or any other army that I ever saw, who could ride further into hell than Mower, and I want you to take a drink with me." "I thank you, but I can't do that, as I never drink," was the reply. "You don't? Well, I should like to know how a man can ride so far into hell without taking a drink. Do you eat?" "Certainly I do, and would be glad to do so now, as I have not had a bite since morning." Mower ordered supper, and "always from that time on," says the governor, "he treated me with the greatest kindness and consideration up to the day of his death. I never asked anything from him during the remainder of the service that I failed to get. The last time I met him was at the reunion in Louisville, shortly before his death."†

When, on the twenty-ninth of May, 1865, Brigadier-general J. W. Sprague was transferred to a different field, he wrote a letter to Colonel Rusk. "As I am ordered," said the general, "by the war department to a distant field, in a few hours I shall be compelled to take leave of my old command. In doing so I feel that I shall separate from very many that are very dear to me, made so by being associated with them in

common toils and danger. I cannot leave you, colonel, without expressing my thanks for the hearty support and coöperation which has ever characterized your actions and bearing in the field. You have been very much in command of your regiment; it has won a proud name, second to none that I know in our armies. You, by your faithful and untiring efforts, have contributed largely to this. You are entitled to and I hope will receive the generous thanks of the executive and the people of your state for your faithfulness to the troops entrusted to your care. The able manner in which you have discharged every duty in the field entitles you to the gratitude of all who love the cause you have served so well."

General Rusk was mustered out of the service in June, 1865. Upon the occasion of the disbanding of his regiment, his officers were not backward in expressing the esteem in which they held their commanding officer. "Remembering," said they, "that he led us through Georgia down to the sea, and through the swamps of the Carolinas, ever mindful of our welfare, he stood by us to the last; our prayer is that he may be rewarded by the people of the state, and that his noble deeds be not forgotten by the authorities. Never despairing but always hopeful, we remember how he performed his arduous duties during the dark days around and in front of Atlanta; and when his regiment was called into action, we always knew who was at its head. Asking nothing and receiving little, he stood by the regiment at all times, ever mindful of

† *Chicago Times*, May 1, 1886.

the interests of its officers and men. In parting with him our acknowledgment is, he is a gentlemen, a hero and soldier."

The subject of this sketch, during his military career, it may with truth be said, proved himself a model soldier. He never drank a glass of liquor of any kind, and devoted his entire attention to the duties of his position. He was exceedingly popular with his command, looked after its interests and comfort, and "stood by them" on all occasions. He was always very cool. He had three horses killed under him during his service. He was perfectly fearless, whether in line of battle, or on the skirmish line, or in action, and, above all, was hopeful under all circumstances. He never wavered in his belief that the Confederates would be defeated, and a hundred times asserted that he would never leave the service till the last rebel had laid down his arms.

In the summer of 1865, General Rusk associated himself with Daniel B. Priest and William Nelson in the purchase of what material had been saved from the terrible tornado of that year of the *North-western Times*, the changed name of the *Western Times* already mentioned, and on the twenty-third of August issued the first number of the *Vernon County (Wis.) Censor*, as a continuation of the paper first mentioned. The *Censor*, from that day to the present, has been one of the prominent periodicals of the state. But an event soon took place which caused the withdrawal of General Rusk from the newspaper. In September (1865), the Republican state convention of Wis-

consin nominated him for bank comptroller by acclamation. He was elected in November by upwards of ten thousand majority.

"In parting with Colonel Rusk," said Messrs. Priest and Nelson, in the issue of the *Censor* of the twenty-ninth of November, "we feel it just to say that our relations with him have been of the most harmonious character. No differences or misunderstandings have occurred in our short period of doing business together, and in all probability never would have occurred if the time had been lengthened. He goes to a scene of wider usefulness and responsibility to which he has been chosen, and the people may well consider that they have elected an upright, honorable man to fill the office of bank comptroller for the next two years. Where Colonel Rusk is best known he is best liked, and this was shown in the vote in different sections of the state. In towns where the members of his old regiment reside, he ran in nearly every case ahead of the remainder of the ticket. This is a showing of which he may well be proud. He will be faithful to the trust committed to his charge, and will do the state and himself honor in his new position."

In 1867, the general was again nominated to the office just mentioned, and elected by the Republicans of his state. During his second term, the business of state banking having become nearly obsolete, by reason of the discriminations against it in the national banking law, the people passed an amendment to the state constitution abolishing the office. A leading journal of Wisconsin,

in noticing the final retirement of Comptroller Rusk, said that, "as a state officer he was thoroughly conversant with the law and rules pertaining to his department. In closing out old banks, he has saved the state much money. His suggestions concerning the final settlement of all bank accounts have been valuable. The general is distinguished for his thoroughness in business matters, the absence of narrow prejudice in all things, and a determination to do what is fair and honest." †

"General J. M. Rusk," said the *Vernon County Censor*, of the twenty-third of March, 1870, "familiarily known in this county as 'Jerry Rusk,' is at home again, after an absence of four years. On his arrival in the village [Viroqua], a number of his friends paid their respects to him and bade him welcome home, to show him that he had not been forgotten. He will live in this place for the future. Since his retirement from the office of bank comptroller he has been the recipient of many words of cheer from his friends; and a large number of the journals of the state have given him flattering endorsements. These friendly words are remembered and heartily appreciated by him. Meantime, his star still seems to be in the ascendant."

In August, 1870, General Rusk was nominated by the Republicans of the Sixth congressional district of Wisconsin as their candidate for representative in congress, and in November he was elected by the largest majority given by any con-

† *Wisconsin State Journal*, of Madison, Wisconsin.

gressional district of the state to its representative. His congressional career began on the fourth day of March, 1871. He was then brought face to face with the most eminent statesmen of both political parties, and placed on a higher plane of action than he had before occupied. Would he be found equal to the emergency? His district was "the old Sixth," which had been represented so many years by the late Cadwallader C. Washburn. It was very large, embracing twenty-four counties, and covering nearly, if not quite, one half the area of the state. It embraced all that portion of Wisconsin which was rapidly filling up with new settlers, where new industries were being developed. It extended from the Wisconsin river, on the south and east, to the Mississippi river on the west, and to Lake Superior on the north. To become acquainted with and to protect all the varied interests of his district required great labor and ceaseless care. In the congress to which he had been elected—the Forty-second—General Rusk was placed on the committee on public lands and on that of the militia.

Before the next congressional election came round, the state had been redistricted under the census of 1870, and the Sixth district disappeared. Vernon county, General Rusk's home, was thrown into a new district—the Seventh. But so well had the general met the expectations of his constituents, and so clean was his record, that no candidate for nomination appeared in the field against him. He was elected to the Forty-third congress by a majority of over

seven thousand votes—his own county giving him two thousand one hundred and twenty-four, in a total vote of three thousand and ten. In this congress he was chairman of the committee on invalid pensions, also a member of the committee on mines and mining. Under his chairmanship the pension laws received careful consideration, and it can be undoubtedly said that the interests of the old soldiers of the Republic were not neglected.

General Rusk was elected a third time, in 1874, and although the Forty-fourth congress was Democratic, he was placed on two committees—on invalid pensions and on agriculture. As a member of the National house of representatives, the general was not conspicuous as a speaker—he was a worker. With sleepless vigilance he watched the legislation of congress that he might protect and enhance in all things the interests of his more immediate constituents, at the same time not forgetting that, as a member, he was called on to legislate for the whole country.

His membership on the committee on agriculture led him to turn his attention to the agricultural interests of the country, and he delivered in the house of representatives a speech on "The Tariff and its Relation to Agriculture," which was printed and circulated the country over as a campaign document in the summer of 1876. While in congress he was, in a great measure, held responsible for all Presidential and other Federal appointments in his district; still, notwithstanding the fierce scramble for office and emoluments, the general so con-

ducted himself as to retain the respect, not only of his constituents, but of all the people of the state. Refusing to profit by the "salary grab," which he voted against in all its stages, he covered his back pay into the treasury. He left congress and retired to his farm without a stain on his record.\*

In congress General Rusk met a companion of his earlier years. It was while he was manipulating his four-horse team that he encountered a young man of about his own age, who was unconsciously engaged in acquiring experience for the future driving of masses by superintending and governing the movements of a solitary mule. The young student in the art of direction, of guidance, was James A. Garfield. The result of the careers of the two proves that early advantages do not necessarily determine the outcome of their efforts. Garfield, experimenting in government with a single, diminutive mule, and crawling along a towpath with a gait like that of a snail, acquired in time a speed which carried him to the very head of the nation, while Rusk, practicing with four horses, and bowling along the highway at a canter, never managed to get higher than the chief place in the state. It is possible that training with a mule—that is, in a school in which slow and sure is the rule—may produce much higher results than with a four-in-hand, or a system in which speed is a dominant factor.

\* See a valuable notice of the subject of this sketch, by the late Royal Clifton Bierce, in the 'History of Vernon County, Wisconsin,' edited by C. W. Butterfield, p. 763.

"It was at this time" (in about 1846-7), said the subject of this sketch, subsequently, in speaking of his early stage-driving days, "that I first became acquainted with Garfield. He was a canal-boy, driving a single mule on a towpath; and as Newark, Ohio, was the point where both our routes terminated, we met at short intervals. I think our first meeting was at a wrestling-match, when it was announced that a canal-boy would throw a stage-driver. Garfield was a very hearty, rugged youngster, and was a true friend to his comrades, and always ready to stand by them in any kind of trouble or contest. In those days he used to frequently speak of his future, and always asserted that he intended to become either a lake captain or a lawyer. He left the canal after a time and commenced going to school. We were always close friends from our boyhood up to the time of his death; but, of course, we knew little or nothing of each other for many years, and never met after he left the canal until the opening of the war. He was on Rosecrans' staff when we next saw each other. In later years, when we were in congress together, we had many a laugh over the reminiscences of our boyhood. He would often assure me that I was of no account, being only a stage driver; to which I generally responded: 'Well, what were you? What did you drive? I handled four horses on a stage, and you—you steered one little, insignificant mule!'"

The relator forgot to mention the result of the wrestling-match between the stage-driver and the canal-boy. In a

newspaper sketch of Mr. Rusk, there appears a statement which may throw some light on this point. "The greater portion of Rusk's boyhood," says the article, "was spent on a farm, and he was one of the strongest young men in the neighborhood. During a county fair he entered a wrestling-match with two other competitors. The first was easily thrown, but in the struggle with the second, Rusk had his hands full. Finally, by a tremendous effort the future governor threw his opponent completely over his head, stunning him and breaking his shoulder. Rusk was greatly frightened at the moment, thinking that he might have killed his opponent, and from that time never again engaged in a wrestling match." If it was the canal-boy who was thus thrown, the present governor of Wisconsin is reticent about stating the fact.\*

From the day of his retirement from congress to the day he was called on to assume the executive authority of the state, General Rusk remained quietly at home, attending to his private business. Only once during these years did he appear in public, and that was as a delegate to the Republican National convention in Chicago, in 1880. However, during the period of his retirement, he was not forgotten. Six years service in congress under the eye and notice of General Garfield, had given the latter a clear knowledge of the real worth and abilities of General Rusk; and when the former became President of the United States, he, without consulting the latter, nominated him to the senate as minister

\**Chicago Times*, May 1, 1886.

to Paraguay and Uruguay, and the nomination was at once unanimously confirmed by the senate. But the mission was declined. President Garfield then tendered him the appointment of minister to Denmark and the position afterward of chief of the bureau of printing and engraving, both of which were declined.

In the fall of 1881, General Rusk was given the nomination for the office of governor of Wisconsin, by the Republican state convention.

In placing the Republican state ticket at the head of its columns, the *Vernon County Censor*, a continuation, it will be remembered, of the *Western Times*, which had urgently advocated the claims of Sheriff Rusk for the office of coroner, now did not falter in its advocacy of the same person for governor. "The nominee," said the editor, "of the convention for governor—General J. M. Rusk—has been a resident of Vernon county for thirty years, and therefore needs no introduction to our people or to the people of the state; for his record of public life is a part of the record of the state. He served the state two terms as bank comptroller, his district three times in congress, and his country three years in the army. In every one of these positions he made an honorable record and won the confidence of his people. Working his way to position from the humblest walks of life through his own exertions and energy, General Rusk knows the wants of the people. He had not the advantage of a collegiate education, but he had a fund of common sense, which, with his

common school education, enabled him to accomplish for his constituents while in congress much that men with more learning could not; and not one measure for the benefit of his constituents failed at his hands. General Rusk enjoys a large personal acquaintance throughout the state, and all know that his administration (should he be elected) will be conducted in the interests of the people. His previous public record warrants this assertion; and all who know him know that his highest ambition will be to serve the people of the glorious 'Badger State' faithfully and honorably."

General Rusk was elected. He succeeded by a very respectable plurality over three competitors—a Democrat, a Greenbacker, and a Prohibitionist. Before the election, the Democrats had strong hopes of succeeding with their candidate, because of an expected withdrawing of a considerable number of votes from the Republican candidate to be cast for the Prohibition nominee. The convention which had nominated General Rusk had dealt gingerly with the Prohibition question with the view of making as few enemies as possible among the Prohibition and Anti-Prohibition elements. After he was placed in nomination the unheard-of thing occurred to him that he might, with advantage to himself, "do something more than the convention had done," as he expresses it. Thereupon he wrote a letter to the chairman of the state central Republican committee, in which he came out squarely on the Prohibition issue, and announced that he disagreed

with the Prohibitionists in their claim that prohibitory laws had proved successful; and added that these laws were far from doing the work demanded of them. He also said that the question of prohibition was purely a moral one, and should under no circumstances be permitted to enter into politics. This is probably the first case on record in which a candidate for a high office has taken a nomination on a platform enunciated by the body which has named him and then proceeded to change materially the issue presented by his party. There is an audacity, a novelty, in this proceeding which is without a parallel. Were it the custom of candidates to take nominations on certain platforms, and when in the field to modify them according to their fancy, the entire party situation would be revolutionized. This audacious innovation had a very happy result. It strengthened him very materially with the German element, which is very powerful in Wisconsin, and undoubtedly contributed largely to his success. His influence with the Germans is very potent, and the same may be said of the laboring and farming classes.

An incident occurred during the canvass which, though purely accidental, the general turned to his advantage. The two candidates—the Republican and Prohibition—happened to meet at Sparta, in a hotel where there was a gathering of Methodist preachers. A good deal of badinage and joking took place between the two aspirants and the clerical gentlemen in regard to the coming election and the

prospects of the candidates. Finally, Mr. Kanouse, the general's opponent, purchased a couple of cigars. "Take one, general," he said, as he proffered one to his rival. "Thank you!" was the reply, "I never have smoked in all my life." At once the preachers gave a rattling cheer for the man who had never smoked. One of them, a venerable old figure, some three score and ten in his years, broke out: "You never smoked! I will vote for you. I have fought that filthy weed, tobacco, for more than fifty years. Mr. Kanouse, I will never support you!"\*

On the first Monday in January, 1882, General Rusk took the oath of office as chief executive of Wisconsin. "I am deeply impressed," said the governor, in his first message to the legislature, "with the responsibilities of the position to which I have been chosen, occupied as it has been by so many distinguished gentlemen, including my immediate predecessor [William E. Smith], who has administered the affairs of state with marked ability and to the satisfaction of the people. The past year has been one of unparalleled prosperity to the nation. United once more in the bonds of peace and harmony, with all sectional strife abated, the country has made gigantic strides ahead. Our nation has been blessed with health, with abundant harvests, and a greater degree of prosperity than in any former year; and had it not been for the shock of the assassination of our lamented President, the year would have been one of the

\* For these anecdotes, I am indebted to the *Chicago Times*, of May 1, 1886.

most succesful and happy of our national life."

"Wisconsin," continued the governor, "has shared in the general prosperity of the year. Our harvests have yielded good returns and our products have found ready markets at good prices. Agriculture, our greatest industry, has been well rewarded and the financial condition of agriculturists, who contribute so much to the growth and wealth of our state, has been materially improved. Capital seeks investment at a much reduced rate of interest; our manufacturing industries have steadily and permanently increased, and many other enterprises and resources have been developed during the year. The laws have been faithfully and efficiently executed, and peace and tranquility have prevailed throughout the state during the year with as few exceptions as usual."

After briefly calling the attention of the legislature to such matters as seemed in his judgment to be for the welfare of the state, he closed by saying that the people expected economy in expenditures, and would hold all public officers to a strict accountability for all of their transactions.

Governor Rusk had been in office less than a month when the Chicago, Portage & Superior railway, in course of construction, failed, owing one thousand seven hundred laborers for two months' work, with no prospect of pay. The men were naturally desperate. The citizens were alarmed, fearing the destruction of their property, and telegraphed Governor Rusk for militia.

Instead of sending troops, Governor Rusk telegraphed the local authorities that it was "bread instead of bayonets, the laborers needed," and directed that they be furnished provisions. At the same time he notified the destitute laborers that the laws must be respected and obeyed, and that he would do everything in his power to secure for them their just dues. At the time the trouble arose, the legislature had adjourned over from Thursday till the following Tuesday. Upon re-assembling, Governor Rusk, in a message, reported the condition of affairs, and asked the legislature to take some action in the matter.

"I venture to suggest," said the governor, "that if the legislature will transfer the grant applicable to the road from Superior Junction to the west end of Lake Superior, to any company, it would be wise, under existing circumstances, to require such company to provide funds for the immediate payment of these laborers, and to reimburse the state for any expense incurred in taking care of these men in this emergency. I feel constrained to urge upon the legislature some prompt action in the premises."

After the reading of this message to the legislature, the attorney of the company seeking the land grant which had lapsed by the failure of the Chicago, Portage & Superior company, called upon the governor and asked him if he was to understand that any bill which did not provide for the payment of these laborers would fail to receive the executive approval, and was very plainly informed by the governor that he would

certainly refuse to approve of any bill which did not provide for their payment by any company receiving the grant. This provision was made—eighty-three thousand dollars were deposited by the company receiving the grant for this purpose, and the laborers received their dues.

Governor Rusk's action in this matter showed him to be the true friend of the laborer. His positive and determined course procured them what was justly due them. His timely action in securing for these men the returns for their labor was of far more practical benefit to them than all the demagoguery and buncombe of professional agitators who live off of workingmen could possibly have been. The governor then acquired a popularity among the laboring classes which no other public man in the state has ever possessed. The clamor for militia and rifles, had it been favorably responded to, would have resulted in murder; as the difficulty eventuated under his humane management, not a dollar of property was destroyed, not a life was lost, all the claims were paid, and the governor justly secured an enviable reputation for his humane and sagacious foresight.

"The present executive officer," said one of the most prominent Democratic journals of the state, after the occurrences just related, "has already proved that he is the executive. At the inaugural demonstrations the plain old soldier seemed quietly retiring, and an impression prevailed among the high-toned *elite* at the capital that Governor Rusk was deficient in 'refined polish.' But

one little sentence in his first message gave the people an inkling into the true inwardness of their governor, that fully atoned for any lack of refinement and dancing-master style. He, the governor of Wisconsin, in that otherwise commonplace document, declared that 'Justice and equality of rights' of the people must not be forgotten. He meant in his heart that the interests of the laboring and producing classes must be respected. He knew what it was to earn daily bread by honest toil. And when several hundred laboring men were thrown out of employment by a wealthy company of railroad speculators, and left to starve and beg or steal, while their hard-earned wages were withheld from them, the fraternal feeling of a brother workman was aroused, deep down in Governor Rusk's heart, and he, a plain-thinking public official, determined that those laborers should be fed, and that they should not be robbed. There was imminent danger on the part of the outraged workmen. The governor did not send 'bullets and bayonets' to intimidate, but he ordered them to preserve the peace and respect the property of others. And he took the responsibility of authorizing parties to supply these destitute men with food, and then plainly placed before the legislature the imperative necessity of immediate legislation that should insure the wise protection of the interests of these laboring men. That's the style Governor Rusk takes on. And the entire people will honor him for it. He didn't first seek a consultation with those wealthy and influential land-grant

operators. His first impulse was to help those men who shoveled on the railroad to secure 'Justice and Equality of Rights,' and he would see to it that every dollar due them was paid. That's the kind of style the people like, and it goes farther than all the fine-haired theories of modern statesmen. Governor Rusk deserves all credit, and more than his party attribute to him.\*

"Governor Rusk," said John Hinton, "at a mass meeting held at Bay View on the twenty-first of February, 1883, "is an earnest, unflinching friend of the workingman. When several hundred laborers up north here, who had not received pay for months, and were almost starving—and demanded that they have their pay or provisions to live on, and when Governor Rusk was telegraphed to send two hundred bayonets to put them down, he telegraphed back; 'I cannot send bayonets; it is bread they want.' He ordered them fed, and more than that, he notified the legislature that if they did pass that land grant bill, unless they made provision to pay those men the wages they had honestly earned and which was their due, he would not sign the bill. He is the friend of the laboring man; he has shown it always; and he has proved it by his executive power as governor."

In his second annual message to the Wisconsin legislature, delivered on the eleventh of January, 1883, the governor said the year just gone had been to the state and people a prosperous one. The true interests of labor, agriculture,

manufacture, commerce, and of every department of industry had been happily subserved. Individual success and happiness among the citizens had been general and phenomenal. The cause of education, so vital to a free people, had made great and substantial advance, and Wisconsin's progress had been in every way marked and gratifying. The governor was especially happy in his remarks concerning the great interest of agriculture. "This," said he, "is the foremost interest in our state, and merits your most considerate attention. The societies which have been organized for the advancement of the various branches of agriculture should be liberally sustained. The time has arrived when means should be provided for gathering accurate monthly crop and live stock reports during the growing season, and complete labor statistics, and their prompt circulation among the people. The dairy interest of our state has grown with such wonderful rapidity that it stands to-day second to none in the Union. Our dairy products have now a national reputation and are eagerly sought in the markets. The Wisconsin Dairyman's association is accomplishing great good in educating farmers to better methods and improved appliances, and should be encouraged by a liberal appropriation." After briefly but intelligently communicating the general condition of the state, giving such recommendations as he deemed expedient, "I assure," said he, "of my cordial and diligent coöperation in every proper effort to meet the wants of the people, and to secure to them, what they are

\* *Prairie du Chien Courier*, February 14, 1882.

entitled to demand, an honest, economical and efficient government."

In the summer of 1884, the governor was invited to attend a soldiers' reunion at Minneapolis. He was requested to be present with his staff, but instead of appearing with a gorgeous military escort, he took with him a squad of crippled veterans, paying all their expenses at a first-class hotel. There was not a man in the party that had not lost an arm or a leg, or had not been desperately wounded in some part of the body. Their appearance was the feature of the reunion, and the old fellows still talk of their trip with the governor.

The term of office for which the governor was elected would have expired with 1883, but all the state officers who were in office in the year just mentioned, by election, had the year 1884 added to their terms by a constitutional amendment; as a consequence, the state election of 1883 was postponed to the fall of 1884, when the governor, having been again nominated by the Republican State convention—this time by acclamation—was reelected—his majority being 19,265 over his Democratic competitor, while the Republican candidate for President received but 14,682 over the Democratic candidate.

The message delivered by Governor Rusk to the legislature of Wisconsin on the fifteenth day of January, 1885, was a biennial one, the first ever read in Wisconsin. "You assemble," he said, "after a lapse of a longer period than any which ever before separated legislative sessions in Wisconsin, and it is fit-

ting that we first reverently and gratefully acknowledge the blessings which under Providence have come, in rich abundance, to us as a commonwealth and as a people. During the two years just gone we have happily been spared the presence of pestilence, famine or other cause of general distress. The commercial depression prevalent in the country at large has touched us more lightly than many other states. Peace has dwelt continually within our borders. The spirit of obedience to law has abided with our people. Justice has been promptly and faithfully administered. Education, the life of our governmental system, has gone forward with vigorous step. And all in all we have abundant cause for contentment and gratitude." And thus he discoursed as to agriculture. "This," he declared "is the chief source of wealth to the state and the ultimate reliance of its people. Upon the successful prosecution of this pursuit depends, in a great degree, the prosperity and happiness of all classes. The interests involved are so important and so far-reaching and diverse in detail, that a commission or state board of agriculture should be established." The entire message was a model of perspicuity. "Thus," said the governor, in conclusion, "in discharge of the duty laid upon me by the constitution, I have brought briefly to your attention those matters of which the public interest seems to demand especial mention; and I assure you it will give me great pleasure to join you in every effort to promote the welfare of the state, and to meet the just expecta-

tions of the people, whose servants we all are."

Governor Rusk is frequently called upon to deliver speeches upon subjects of vital interest to the citizens of his state. He is generally obliged to give a negative answer to such appeals; although, occasionally, he consents to "talk" to the people. "Four-fifths of the wealth," said he, in a speech delivered at the State fair, on the tenth of September, 1885, "on which the prosperity of the nation is based is now in the hands of the farmers, in the various pursuits pertaining to agriculture. Among the farmer's earliest lessons to his boy, should be the real dignity, independence and responsibility of the farmer's life in itself and relation to society and the business of the world. It is the duty of every farmer to study well and thoroughly the different avenues through which he can accumulate the most for his labor. I give you statistics showing how enormous the dairying interests of the country are—the total value of the butter, cheese and milk products of the United States, in 1884, being over \$900,000,000. By comparing the value of some of the products, these figures are best appreciated."

"The annual value," continued the governor, "of our oat crop is \$150,000,000. The total value of the pig-iron product, reckoning the average price \$20 per ton, is \$85,000,000. Our entire wool product is \$64,000,000. The cotton crop of 6,000,000 bales, averaging a value of \$50 per bale, \$300,000,000, while the entire wheat crop, at eighty cents per bushel, amounted to

\$456,000,000. The silver product at gold value, was only \$40,000,000, while the egg crop was something over \$91,000,000. The entire feathered fraternity, with all its cackling, did not buzz congress as much as the silver men. These comparisons show the dairy product for 1884 was double the entire bread product, \$600,000,000 in excess of the cotton crop, \$763,000,000 in excess of the pig-iron and silver combined. These figures only pertain to the products of one year. The amount that is invested in dairy lands, buildings, cows and machinery, to produce these values, is very difficult to ascertain as a whole, but we do know that the amount of money invested in milch cows alone, in 1884, exceeded the enormous sum of \$700,000,000. Some idea of this sum may be gained by comparison. The entire capital stock of the banks of the United States for the year ending November 1, 1884, was \$524,266,345, while the entire capital stock of all the state banks and trust companies in the United States was \$139,958,954, consequently the entire capital stock of all the banking organizations of the states and territories amounted to \$658,225,299, a sum which is \$41,774,101 less than is invested in dairy cattle alone. With this showing, who will say, if the corn is king, that the cow is not queen."

During the year 1886, strikes and riots became quite frequent in the different states, and to quell them put to test the capacity of the officials. In many instances there was great destruction of property and life before peace and quiet were restored. A similar

state of affairs was threatened in Wisconsin. A large number of misguided men attempted to defy the law under the impression, apparently, that lawlessness was stronger than law; that a mob could have its own way in the city of Milwaukee; that it could dictate its own terms, and would do so at all hazards. The power of the local authorities was deemed inadequate to hold in check the lawless and riotous force that was presented. The governor of the state was called upon to bring to bear the strong arm of the power of the state to crush out lawlessness, to preserve the property of the city and to restore peace and quiet among the people, by the following communications:

SHERIFF'S OFFICE,  
MILWAUKEE, WIS., MAY 4, 1886. }  
To his Excellency, Jeremiah M. Rusk, Governor.

DEAR SIR:—I find it impossible with the force at my disposal to preserve the peace of the county and protect property from destruction, on account of the unlawful assemblage of crowds of men, caused by disturbances growing out of the labor troubles. Therefore, I call upon you to afford such assistance as may be necessary to preserve the peace in this emergency.

(Signed),

GEO. PASCHEN,  
Sheriff Milwaukee County.

MILWAUKEE, May 4, 1886.

His Excellency, J. M. Rusk, Governor of Wisconsin.—SIR: Serious disturbances having arisen in this city, and it being impossible with the force at our disposal to suppress the threatening outbreak and to preserve the peace and good order of the city, I respectfully call upon you to give us such aid as may be necessary to maintain order, and to protect the lives and property of our citizens.

(Signed),

EMIL WALLBER, Mayor.

With a regiment of the National guard Governor Rusk was quickly upon the ground, and when sufficient provocation was presented, powder and bul-

lets were promptly used in the most effective manner; the mob was suppressed, property was protected and order was restored in the city. The work was promptly and effectually done, and the whole people in the state rejoiced and heartily applauded the noble action of Governor Rusk.

On the eleventh of May, Governor Rusk returned to Madison from Milwaukee, where he found the people had turned out *en masse* to welcome him; with him came the adjutant-general of the state and one of the companies which had been on duty at the scene of the disturbance. The city was decorated; there was a big procession, whistles blew, bells rang, bands played, cannon boomed, and the crowd hurrahed. The welcome home speech was made by Elisha W. Keyes, mayor of the city. He said briefly that as chief executive officer of the capital city it became his duty and pleasure to welcome them to their homes. He said it had not been long since they left, but that in that short time they had rendered a most important service, not only to the people of Wisconsin, but to those of the entire country. Addressing himself particularly to Governor Rusk, he said that he had inaugurated a new method of dealing with mobs—a new method of maintaining law and order which would not be forgotten as long as time should last. "If I mistake not," continued the speaker, "you are the first executive of any state in this Union to inaugurate such a method. You have been supported by gallant men, who have rendered it possible for you to act in

accordance with your judgment. You have dared to do, without fear, that which your judgment dictated you should do. You realized that the people of the state were looking to you to know whether mob-rule was to have full sway or be put down, and you did not disappoint them. You adopted the method that such rule should be trampled out if it took all the men the commonwealth could raise to do it. One and all of us are ready to thank you for what you have done. You were called upon to deal with ignorant men, many of whom were not actual citizens of the country; but right here I am glad to state that I know that the sentiment in favor of law and order pervades by far the larger portion of the foreign-born residents of this country. For their feelings and support, we thank them. While in this land we are ready to aid all workingmen to benefit themselves and improve their condition, they must understand that there is only one way for them to act—according to the law. There is only one flag in this land of liberty—the stars and stripes—and it floats over all. The red flag of anarchy and communism should never be permitted to float again in this state or any other. We welcome you, governor, to your home, for Madison is your home; as neighbors we love you, as citizens we respect you, and as our governor we honor you. And now in behalf of our city—a city of law and order, as free from riots and disturbances in the years past as any city in the country—with the joyous ringing of bells, blowing of whistles, booming of cannon and the

shouts of the people, we welcome you home."

The governor made a happy response. He said that a week before, he had left for the city of Milwaukee without his supper, for he had received a telegram that his presence was needed there on account of a threatened outbreak of the mobs. When he arrived in that city he found that the half had not been told him. He thereupon called out seventeen companies of the state militia, and in a short time had them all there in readiness for service. He said he had made up his mind that words would have no effect upon the mobs, and that the use of lead would be necessary. He declared that the militia had done well, and that thanks were due them. He said that he was called to the front without warning or preparation, and was compelled to rely solely upon his own judgment. He had performed his duty to the best of his judgment, and he was highly gratified to know that his conduct was endorsed by the public. He said there was no religion or politics in the question as to whether a mob shall rule in this country, but simply the law and the right. He referred to the cowardly nature of the leaders of the mobs, and closed by saying that he wished to thank the mayor and all the people, without respect to politics, creed or nationality, for the flattering expression of regard which was indicated by this demonstration.

The governor was followed by Burr W. Jones, late member of congress from the capital district of Wisconsin.

sin. Mr. Jones devoted himself chiefly to praising the good work which the militiamen had performed. He said the boys who had gone bravely to the front at the governor's call deserved all the honor that could be accorded them. He referred to the uncertainty and possible danger into which they went when they ventured into a wild mob, armed with all kinds of weapons, in a crowded city, and declared they had done their full duty—all they could have done had they been called to go to war to defend our flag. He thought it was to their credit that peace now prevailed in Milwaukee. "We all are proud of you," said the speaker, "and the knowledge that we have a militia in readiness for active service causes us to feel more secure, both in regard to life and property, than we otherwise could." Mr. Jones paid a high compliment to both Governor Rusk and General Chandler P. Chapman, adjutant-general of Wisconsin, for their meritorious services, and closed by telling the militiamen that they would be justified in striking for higher wages than one dollar per day; but he advised them to strike not under the red flag of anarchy and communism, but under the stars and stripes.

Nothing was ever more general than was the approval of the conduct of the governor by the people of Wisconsin. The press was almost unanimous in its commendation of him. Not only this, but the whole people of the country and the press of the country shouted praises to the patriotic and prompt dealing with mobs of Wiscon-

sin's chief. Go where one might, into the most secluded spots of the most distant states, and his action was the subject of praise. Governor Rusk was the man of the hour, and all order-loving people were his friends. It is admitted that he was the first executive that seemed to grasp his duty with a strong hand and put an end to a riot before it had done special harm; who had the nerve and courage to do right, without regard to personal consequences. The people knew he was right; and we now give some of the views expressed by them:

Rarely has the course of a public officer met with such hearty endorsement as that adopted by Governor Rusk in dealing with the Milwaukee rioters. Employes as well as employers feel that the heroic measures resorted to by the authorities saved many valuable lives and property. That blood was shed, that precious human life was taken, will ever be a cause of regret. Still, we must remember it was better that law-breakers should have been killed than the law defenders. Had the militia waited until it was attacked by the mob, there would have been terrible slaughter on both sides. Remembering these facts, the press and public have only words of praise for Governor Rusk, under whose direction the soldiers acted. It is gratifying to see the politician sink into the citizen, as shown by the comments of the state press, Democratic and Republican, printed elsewhere in to-day's issue of the *Journal*.\*

Governor Rusk has not used the troops to interfere between striking workmen and employers, but he has given all to understand that whatever controversies exist in Wisconsin will have to be conducted within the limits of law and order. If every state in this Union had in its executive chair a man of that stamp, there would not be so many riots.†

Wisconsin is fortunate in having a governor that governs. His name is Jeremiah M. Rusk. He began life as a stage driver, from which lowly begin-

\* *Milwaukee Journal* (Democratic), May 8, 1886,

† *Scranton* (Pa.) *Republican*.

ning he graduated by successive steps to the executive chair. His own history guarantees his entire sympathy with all honest efforts made by real workmen to improve their condition. But he is American enough to be law-abiding himself, and to insist that the laws shall be enforced and the peace maintained . . . Had the governors of other western and southwestern states shown the same disposition to prevent disorder that is shown by Governor Rusk, there would have been fewer lives lost during the prevalence of the late labor troubles.†

Governor Rusk's splendid promptness in ordering the militia under arms has spared Milwaukee the disgrace and horror of much bloodshed, and has saved to the property interests of the city hundreds of thousands of dollars. No thoughtful man, fully cognizant of the situation as it existed yesterday morning, doubts that many lives would have been sacrificed and the Bay View rolling mills burned, had not the militia in formidable force been on hand almost as quickly as the rioters. The criticism has been offered that undue and wholly unnecessary precaution was taken by the governor in ordering so large a force of the city and state militia on instant duty. But the very fact that the force was formidable, tended more than aught else to preserve the peace. In time of threatened riot, the moment of all others for exhibition of overwhelming strength is at the very inception of the trouble. Governor Rusk did his whole duty—did it manfully, promptly, decisively. He merits and is given the approval and thanks of every law-abiding citizen of Milwaukee.‡

Although for the last twenty years a political officeholder, Governor Rusk of Wisconsin was a soldier before that, and one of recognized courage. In the discharge of his present high trust he maintains the same order of sequence, and makes the politician second to the soldier. It is no pleasant duty for a governor, or for any other officer, to command his troops to fire upon a body of civilians, no matter how unruly those civilians may be. When the necessity for such action arises, however, it does no good to shirk it. Mr. Rusk had seen or read enough about mobs to know what the occasion demanded in Milwaukee the other day, and he was brave enough to take the responsibility. One politician—and only one, so far as can be learned—has sent up a howl over the tragic ending of that riot. He thinks that

the bullets which the militia fired into the mob will cost the governor a good many votes. Perhaps they will. But there is not a law-loving citizen of Wisconsin who will not stand by Mr. Rusk and approve his course from start to finish. And, as for the law-loving citizens of the United States outside the borders of Wisconsin, they will desire his better acquaintance, and wish there were thirty-seven more governors just like him.\*

The people can be free only when those whom they choose to stand at the head of affairs are ready and able to help them protect their freedom. It is when the choice of the people falls upon a man fit to bear sway, possessed with the instinct of command, and gifted with right royal sense of the magnitude of interests committed to his charge, that we are permitted to see the full excellence of our system of government. The people of Wisconsin have given us that opportunity. They are to be congratulated upon their governor, and they and the whole country have the right to be proud of him. Governor Rusk has met the labor troubles that menaced the peace of a commonwealth and the safety of its greatest city in a spirit that entitles him to be called a defender of the faith of freedom. He had some ugly things to contend with in Milwaukee. Not only were there mobs, but those mobs were sustained and egged on by men who had catered for their votes in advancing themselves to public places.

The response of the bluff old governor to riot and threat gives us a glimpse of the reason why Andrew Jackson, wrong-headed as he often was and great as are the present evils to which he gave permanence by his sanction, still obtained a hold so strong and lasting upon the hearts of the people. For, in a like emergency, he showed himself a man. . . . Disorder has been silenced and quiet reigns. And now the next announcement of the governor is that the militia will be kept in service until perfect order is assured, and "until the men who desire to work are allowed to work, if it takes all summer." Of this sort of stuff are the defenders of liberty made. Of this nature is the value of man in the place of power. It is to vest authority in men of this stamp that our institutions were designed.†

While other governors and other officers throughout the country have seemed to be afraid to touch this matter, for fear they would be injured politically

† *Philadelphia Times* (Democratic).

‡ *Evening Wisconsin*.

\* *Washington Star* (Democratic).

† *St. Paul Pioneer-Press*.

or otherwise, while the congress of the United States passed eight-hour laws to cater to ignorant voters, while prominent officials openly assist the laboring man in his demand for eight hours work, in order to make themselves solid with those who vote at city elections, and while everybody has seemed to want some one else to step forward at the critical moment, Governor Rusk came to the front and showed to the governors of other states, and congress, that the only way to stop the revolution was to stop it in its incipency. While he has doubtless injured himself in the estimation of these brutes of socialists and anarchists who adopt the vilest methods of injuring and killing capitalists, Governor Rusk has made himself so solid with the business men and voters, that to-day he is the strongest man in America. He has done it while forgetting that he was interested in politics. He has shown that he has a level head, while members of congress have shown that theirs were not level. Governor Rusk holds the key to the situation to-day, and if the rest of the governors and officials throughout this country would simply adopt his tactics, insist that the laboring men should be allowed to work if they chose, regardless of mobs, and that they would be protected; that mobs of ignorant or "educated" laborers who go to places of business to drive out those who desire to work, should feel the strong arm of the law; if they have pluck enough to insist on the law being felt, then all the trouble is over. No one doubts the right of the laboring men to demand higher wages for less hours and to quit work if employers do not accede to their demands. But they have no right to prevent others from working who believe that it is their duty to themselves and to their families to work. That question the governor of Wisconsin has settled, and every other in the Union should settle in the same way.\*

The governor of Wisconsin, General Jeremiah Rusk, is of the stuff that all governors should be made of. He has not parleyed with the lawless nor has he deviated in any degree from his sworn duty. When he arrived in Milwaukee with a regiment of troops, a mob of strikers had already committed depredations in various places, and threats of further violence were freely made. He announced his purpose to preserve the peace, protect life and property and enforce the law, and the troops at his command were used when needed with those ends in view. The casualties have not been numerous, but they have

been on the right side—that of the rioters. A less vigorous policy would have been a bloodier one in the long run,†

Governor Rusk has handled the rioters in the way that caused the least injury to life and property, and most speedily produced quiet. The country has been watching what has been going on in Milwaukee and Chicago with a good deal of feeling. It may sometimes look squally for the Republic in cities, but out in the country the course of Governor Rusk in putting his foot down on anarchy is most gratifying‡

The governor [Rusk] by his sturdy, unwavering straight-forwardness of purpose, as expressed in language and action, had probably fully as much influence in quelling the riots which formed so disgraceful an episode in the history of the city [Milwaukee] as the military who were more actively engaged. When he said to the committee of rioters who called on him to protest against the use of troops at Bay View, "This thing has got to stop, if it takes every man in the state," he struck a keynote that will never be forgotten in Wisconsin. His simple but determined enforcement of his duty as governor of this commonwealth, during the exciting scenes of the past five days, has made governor Rusk more friends than anything he has done in the past ten years. He was a tower of strength to the friends of law and order, and they will not soon forget him.§

When Governor Rusk returned home to Madison, [from the Milwaukee riots], the people turned out *en masse* to do him honor. Cannon boomed, flags waved, the militia paraded and the governor was escorted to the capitol, where he was publicly congratulated for the pluck he had shown in guarding great interests from lawlessness. In reply, the governor spoke of the reverence he felt for the old flag, the stars and the stripes, and how he had a fixed determination to never see it trailing degraded before a red flag while any act of his could prevent it. They were simple words from a man of the people, who had made his way to a high civic station, but they meant a great deal. They came from a man who had conspicuously shown that he always meant what he said.||

† *Chicago Herald* (Democratic).

‡ *Madison Democrat* (Democratic).

§ *Chicago Times* (Democratic).

|| *Waterbury* (Mass.) *American*, (Democratic).

\* *Milwaukee Sun*.

For the last four weeks the country has been convulsed with turbulence and riot and bloodshed. The red flag of the communist has appeared in the streets of many of our large cities, as the emblem of violence and murder. If these things must come, it is well they came after the war. Thousands of veteran soldiers were ready to go at the word of command. Every post would in case of need have sent its quota. In time of peril Wisconsin's governor—our gallant comrade—"Bluff old Jerry"—did not fail her. Promptly, with his iron hand he strangled the hydra-headed serpent, communism, nihilism, anarchy and socialism, saved the lives and property of the people of Milwaukee and the state from disgrace. Honor to Wisconsin's noble governor, and well may the soldiers of the grand army feel proud of their comrade, who with them was trained in the stern school of war.‡

Governor Rusk of this state did not stop to argue with the Milwaukee mob. He plainly announced his purpose was to put down the red flag socialists and squelch rioters. And he did it without any nonsense. That is the only policy to pursue when the public peace is in imminent danger. 'Old Jerry' may be considered clumsy at a light horse squadron swell ball, but when actual warfare calls to duty, Wisconsin's governor displays a power of solid war-horse sense that commands the respect and admiration of men.§

Before the meeting of the Republican convention in 1886 for nomination of state officers, there was a very general expression that Governor Rusk would be—ought to be—*must be* nominated. Said a conservative but leading journal of the party, in discussing the question:

It will be remembered that he [Governor Rusk] had not been in office but a few weeks in 1882, when the trouble with the laborers on the Portage & Superior railroad at Veazie broke out. In dealing with that affair he had the good judgment to send the men bread, instead of bayonets, and finally adjusted matters so as to raise himself immensely in the public estimation. The people at once all over the state saw that the new Governor was a man

equal to the emergencies of his office. . . . Forgetting himself, he remembers only the state, the city, the best interests of labor, the needs of capital, in a word, the supreme necessities of the hour. If his sight were blinded by any fear of consequences, he would lose all. When approached from the practical point of view and questioned, he replies: "I am doing what I think is right, and am enabled to do so without considering what political effect it may have for the future. I am too old a man to lose my reputation as a man, soldier and protector at this critical moment." This answer, backed by his conduct, will immensely strengthen the confidence the people of the State have so long reposed in him. It may not renominate him, it is true, but it will make him invincible if he is renominated.\*

These words were prophetic. For the third time the subject of this sketch was honored with the nomination—again by acclamation—by the state convention of his party for governor; and, for the third time, their action was ratified by the people at the polls. His majority was over 19,000. This was at the regular November election for state officers, in 1886; and, on the first Monday in January, 1887, the successful candidate for the executive chair was again sworn into office. His success must not be construed wholly as a political one; his action in promptly quelling the mob-spirit in Milwaukee carried him along on a wave of popular favor and deep-feeling that nothing could resist. A great many felt before the election that victory for him would not be so much a triumph over his Democratic competitor as one of law over violence; that his defeat would gratify rioters and encourage lawlessness everywhere; that it would be everywhere construed by anarchists and rioters to mean a public

‡From the memorial address of Captain C. W. Felker, of the Oshkosh Times, at Green Bay, 1886.

§*Prairie du Chien Courier* (Democratic).

\* *Portage Daily Register* (Republican).

rebuke to him, and a popular endorsement of them. In other words, it would mean aid, comfort and encouragement to law-breakers, and bring gloom and discouragement to the law-abiding and peace-loving people of the whole country. So the people, by a good, round majority, rallied to his support; and his victory (he has a just right to claim) was an absolute and emphatic endorsement, by the majority of the voters of Wisconsin, in a general way of the manner in which he has guided the "ship of state," and, in particular, of his course in suppressing the Milwaukee riots.

"You are again assembled," said the governor, on the thirteenth of January, 1887, in his last message to the legislature of Wisconsin, "after a lapse of two years of general prosperity vouchsafed the people of the state by a benign and gracious Providence, and I congratulate you upon the many hopeful signs of a continuation for the future. New discoveries have been made and new fields of industry and employment are being opened, and the prospects that the resources of the state will be greatly developed during the coming year, are gratifying in the extreme. While thus congratulating you upon our material progress, it is with deep regret that I am compelled to report, that during the past year the peace of our state has, in a few instances, been interrupted by strikes and riots of greater magnitude, of more violence, and farther reaching in their consequences, than ever before. In this connection, you are reminded that it will be your duty, as legislators,

to look carefully into the causes of these troubles, and wherein our laws for the prevention of wrong-doing, or the punishment of wrong-doers, are found to be defective, it will be your duty to perfect them by such new legislation as recent experience and reasonable anticipations for the future may indicate to be required. While your own intelligence, aided by your investigations and discussions, will, I have no doubt, lead you to a satisfactory solution of all the problems involved in this subject, yet I may be indulged in a few suggestions, which I hope will not be found either impertinent or unwarranted.

"The discussion of the labor and capital question has become so extensive, has taken such wide range, and is being participated in by so many people, representing such a diversity of views and interests, that it is not strange, if, at this stage of the discussion, there is more confusion than clearness of thought upon it. To eliminate from all this confusion and controversy what is essential, concrete and practicable, and in accord with those principles of justice upon which all good government is founded, and embody it in effective law, is no light nor trivial task.

"It seems to me that a very important—I might say, vital—fact in this great agitation has so far been almost lost sight of, namely, that a large majority of the people of every city and every state where the labor troubles have existed, and an overwhelming majority of the whole people, are not directly parties to the controversy at all.

The contention is between employes and employers, and both classes combined are but a minority fraction of the whole people, whose peace and interests are interrupted and their rights violated by these unseemly and unnecessary disturbances. It is the right and duty of the people—that is, of the great majority—to step in and say not only “let us have peace,” but “we will have peace,” and through the law and lawfully constituted authorities to see to it that we do have peace, and that disturbers are promptly and properly punished.

“In a few communities, comparatively, there are large bodies of workmen, or laborers, who voluntarily choose to work for others, for wages. These, by general usage, are called ‘workingmen.’ But they are not the only workingmen—not the only laborers in the country. The great majority of our people are workers, with hands or brain, or both, and to all such belongs equally the proud title of laborer. But farther, a majority of the whole number who do manual productive labor, employ themselves, plan for themselves, work for themselves, and take the whole product of their labor to themselves, and find a market for their surplus, when and as they can. This great independent, self-reliant majority is the bone and sinew, the pride and glory of good citizenship. Among them there are no strikes or riots, no interference with the opportunities, liberties and rights of others. That *their* rights and *their* interests should be jeopardized by the restless contentions of a small minority who ridiculously assume

that *they* are the *only laborers* of the country, is a wrong too manifest to be much longer endured. If the parties to these ever-recurring disturbances cannot find a way of amicably settling their disputes, they must be made to submit to such legal arbitration as will at least protect the peace and dignity of a civilized commonwealth.

“In indicating that some additional legislation may be required touching the rights of laborers of all classes, and their mutual relations to each other, only the most prominent fundamental principles of natural liberty and popular government need be alluded to.

“It has already been assumed that where a person employs himself and works on his own premises and on his own material, with his own tools, the product of his labor is all his own, to do with as he sees fit. That he must be protected in the full enjoyment of all the fruit of his judgment, labor and skill it does not require argument to convince us. It is self-evident. But where one person engages to work for another, on another's premises and material, and with another's tools or machinery, it is equally clear that the product belongs to the employer; the workman's claim ends with the receipt of his stipulated wages. The state's duty and province in such cases is simply to maintain individual rights and enforce the fulfillment of contracts. Everyone's right to work for himself, or for any one else, on such terms as he may chose to make, must be maintained at all hazards. He who interferes with this principle, tramples upon the most sacred of human rights

and upon a consecrated principle of American liberty.

"Government should not be—indeed, cannot afford to be—indifferent to the welfare of any class of citizens; and it is a special duty to protect the poor and weak against any possible aggressions of the rich and strong. To this end, all the rights and interests of workingmen of the wage classes should be jealously guarded against injustice or oppression at the hands of their employers. Corporations, created by authority of the state, that in the nature of their business must be large employers of labor, or that from the nature of their business and their charges for service may largely affect the value of the product of labor generally to the producer, must be held to a strict and just accountability, and be subject always to the control and regulation of the state.

"With those agrarian and socialistic theories of fanciful society that deny the right of private property, or of each individual to full protection in the enjoyment and control of all his lawful earnings, whether obtained by his own labor or by contract, we can have no sympathy. They are as un-American as monarchy, and as treasonable as secession. They contemplate the destruction of both justice and liberty, and would accomplish the destruction of both if their application to existing society were seriously attempted. We are not prepared, as American citizens, to even consider a change in our form of government. Republican institutions and individual liberty go hand in hand, and must be and will be loyally maintained."

"Governor Rusk," says an appreciative journalist, "pays the greatest attention to details, and is thoroughly informed as to everything that is going on. There is no possibility of any 'monkey-work' taking place without his knowledge. He is intensely practical, very observing and faultless in his habits, as he never drinks anything in the shape of liquor, and uses tobacco in no form. He has a most estimable family, and is himself very domestic in his tastes, and very warm-hearted. He is an intuitive reader of human nature, and his first impressions always dominate and give shape to his conclusions. He decides promptly in emergencies, and clings to a conclusion with pertinacity. People do not at first always understand him, but they invariably like and respect him when they come to know him. He makes long and lasting friends, and is especially a favorite among the farmers, who always come to visit him. The governor is not an orator, but he is an impressive talker. He converses with his audiences very much as he does with a single listener; he is plain, without affectation, logical, and possessed of a winning manner. He always speaks well of his political opponents, and in his view of affairs and men in general, he is always courteous in tone and charitable in his estimates. By contact with him one learns in time, that he is characterized by a grand simplicity; that he is without affectation, and generous and tolerant in his views, and still possessed of much of the naturalness which has come up with him from his childhood. That he has abundance of other

desirable qualities will become evident as the details of his life and the particulars of his military and official career shall be presented. In the direction of his growth, and with respect to the results he has attained, he has achieved a most remarkable career, and one which has few rivals. In fine, it is but just to say of Governor Rusk that in all the responsible places with which he has been entrusted, from sheriff and bank comptroller to congressman and governor, and including his service, during the war, he has creditably performed his duty. He may have had here and there good advisers, but as a rule, lacking training he has relied upon a practical common sense, which has invariably proved as advantageous as would have a technical training of the best quality. He has thus been little hampered by precedents, and has been able in some notable instances to reach just results when, had the attempt been made by one who relied on the decisions of the past, the end attained would have been long in coming, and possibly less desirable in its nature. Prompt in deciding, quick in execution, and resolute and self-reliant in the carrying out of a purpose, he has often reached conclusions in a time when others, acting in the usual way and hampered by rules, would not have passed the initial stages of the labor to be accomplished. He stands well with the people of the state, irrespective of parties, and has made himself a special favorite with the soldiers and the labor and agricultural elements."

"A childhood spent on a farm," con-

tinues the writer, "affords opportunity for the development of a character of a high average of excellence. Industry is one of the necessities of this phase of occupation, for it is only by persistent toil that satisfactory results are obtained. One thus educated learns the necessity of economy. There is no opportunity for extravagance; rivalry in display and expenditure finds no opportunity for existence. Personal integrity and cleanliness in life are obligatory in the farming communities, where the sparseness of population subjects each member to the supervision of the others. The opportunities for dissipation are not presented, as in crowded communities, and hence there is no blunting nor impairment of the vital forces in fierce excitements. The freshness of youth is not withered by social excesses; the boy becomes a man and retains the simplicity, the purity of his boyhood. Much of the time, limited to himself in his labor, he becomes reflective, forms his conclusions through his own unaided processes, and thus acquires a mental independence. Apart from the corruptions of the great cities, he imbibes no reminiscences of opinion in regard to moral or political laxity; what others often regard with toleration he views as a crime. Thus industrious from necessity, drilled in habits of economy, free from the bane of extravagant display, obliged from his comparative isolation and the inspection to which he is subject to lead a correct life, with nerves unshaken by social dissipation or the excesses of intemperance, conscious of

rectitude in his own life and generously trustful of others, the man born and reared on the farm secures qualities which make him the possessor of an unassailable manhood. He may not be brilliant as an orator, nor successful as a political intrigant, but he is, of all men, the character to which it is safe to intrust the management of public affairs in which the qualities demanded are unswerving honesty, excellent judgment, personal self-respect, and an accurate perception of the rights involved in issues which come before him for settlement. Of such birth and rearing, and such a result, is Governor Rusk."\*

Three years subsequent to the removal of the subject of this sketch to Wisconsin, his wife died; it was in January, 1856. Their children were Charity Ariel, Lycurgus James, and Mary Jane. The survivors of these are the two first-mentioned. On the eighteenth of November, 1856, while sheriff, Mr. Rusk was again married, this time to Miss Elizabeth Johnson. Their children were Alonzo, Ida May, Mary Elizabeth and Blaine Daniel; of whom the two last named are living.

In his domestic relations, the governor is peculiarly fortunate. Mrs. Rusk is a lady of more than ordinary intelligence, of kindly disposition, easy and graceful in her manners, and of a most sympathetic nature. Their home is in the executive mansion, situated on the bluff of one of Madison's beautiful sheets of water—Lake Mendota. The front is on one of the most wealthy, pretentious, and aristocratic streets of the town. The

residences of the vicinity are all detached, and have the appearance of villas with their spacious grounds, beautifully-kept lawns, and shade trees. All of them lie high above the lake, down to which the surface is sometimes smoothly sodded, and others finished in terraces. The mansion has connected with it something of a romance. It was built by a wealthy manufacturer who lives at Eau Claire, but who constructed the Madison house for a summer, or "occasional," residence. It was his daughter who married Ole Bull, the famous violinist and who made his acquaintance while the artist, on a professional visit to the capital, was the guest of the father. In the rear of the building is a small summer-house of a bright and rather fantastic style of architecture and decorated with high colors, which is somewhat famous as being the place in which Longfellow wrote his poem entitled "The Four Lakes." The view from the rear balcony is a most charming one, so much so that an appreciative observer who sees it at its best, and who then reads the description of the poet will be forced to conclude that he failed to do it justice. A daughter of the poet is married to a son of the original owner of the place, so that the associations of the house are doubly interwoven in an art woof representing the genius of two continents. The governor has an album in which is the original text of the Longfellow manuscript, and which, as a matter of course, is of a priceless value. The mansion is not only rich and palatial in its construction, but in its decorations; and is, in every respect, a fit rep-

\* Polinto, in *Chicago Times*, May 1, 1886.

representative of a powerful and wealthy state. It has, in the presence of the governor and his family, an air of refinement that is very perceptible and suggests a domestic life which, within itself, must be felicitous to an unusual degree.

The personal appearance of Governor Rusk is unusual. He is a man of commanding size, with a massive head, the effect of which is increased by an abundance of gray hair, pushed back from a wide and high forehead, and by a heavy mustache and chin whiskers—the ensemble being that of an ideal patriarch, at once venerable and imposing. Although gray as to hair and white as to beard, the governor is venerable only in appearance and not in years, as he is yet a long way from the three score and ten which are assigned as the period of life's further limit. He has deep-blue eyes that are always warm and kindly, and which vary constantly in expression and yet which withal have a dominant expression of sadness. In conversation, while not always fluent in the utterance of words, he is ever interesting and interested, and pervaded with an expression of consideration for the one to whom he is speaking. His countenance has none of that gloss which is seen on the faces of men who have worn off the down of inexperience by much contact with the world; he is yet fresh, and without a suggestion of a *blase* life in his tone or countenance. Looking at him from a purely physical point of view, he is, with his shaggy mane, his deep chest, his broad shoulders, his colossal neck and thighs, a magnificent animal, and yet without a hint of anything gross or

sensual. In fact, his voice, the expression of his eyes, and his sentiments negative any suggestion of a predominance of the animal in his nature; for his expression is one of gentleness and kindness and his sentiments refined and genial.\*

"The present occupant of the executive chair," said one writing soon after the governor's first election, "is a man who tips the beam at 250 pounds, and has in him a heart proportionate to the size of his body. . . . In the expression of opinions as well as in movements, he is cool and deliberate, and evidently does not believe in rushing things, but does not hesitate to shoulder the responsibility when the time to act has come. No one will ever find Governor Rusk a coward physically, morally, or politically. He does not jump to conclusions quickly, but, when he decides what to do, is able to give substantial reasons therefor. He is a large man, with a kindly face, an abundance of hair, a full beard pretty well silvered, and lacks in his demeanor that self-satisfied, peculiarly offensive dignity so often seen among official luminaries."

The distinctive features of Governor Rusk's administrations have been simplicity and economy. As chief executive officer, he has been attentive to his duties, and has made a most excellent record for vigilance and the exercise of valuable practical sense. He is preëminently a safe man. He is the friend of law and order; the true friend of labor; the protector of persons and of

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\**Chicago Times*, May 1, 1886.

property; the brave-hearted, honest official. He is one of the best governors this state or any other state ever had. He neglects no duty. He is prompt and efficient on every occasion, and deals

out exact justice to all, with an evenly-balanced hand. He is capable, faithful and honest. Wisconsin is proud of him.

CONSUL WILLSHIRE BUTTERFIELD.

### THE UNDERGROUND RAILROAD.

[The following address, delivered before the Mahoning County Pioneer Society, some years ago, by Hon. John Hutchins of this city, is reprinted in this Magazine at the request of a number of our readers. We the more cheerfully comply with this request because the address contains that which is of great historic interest and value, and are therefore glad to assist in its preservation.]—THE EDITOR.

MR. PRESIDENT:—At your last annual meeting Judge Sutliff was expected to speak on the subject your society has assigned to me this year. I know of no person, who by reason of his intelligence, ability, memory and early active participation in the anti-slavery cause, was as capable as he to give the organization and mode of operation of that historic railroad. It was one of the tempting inducements for me to be present last year, expecting to hear him speak on the subject. Since your last meeting, he and several other persons who were with you then have died. One by one the pioneers of the Western Reserve are passing "to the other side of the river," and thus personal experiences, trials, privations, incidents, excitements and triumphs in pioneer life, if not written, will soon be forgotten.

The underground railroad—I question if many persons here present, born within the last twenty years, know what kind of a railroad this was, where it commenced, where it ended, what was its capital stock, who were its stockholders and directors, how much it cost in the aggregate or per mile, what were its dividends or what amount of freight or passenger traffic it had. It is not material

to discuss the question whether, technically speaking, it was a partnership or a corporation; if a corporation, its tendencies were not monopolistic but it seemed to have had perpetual succession till the accomplishment of its object, and if it had been a partnership, it would have been subject to dissolution on the death of a single member. Men and women were its stockholders, for in its membership it had no respect to sex, nationality, color or previous condition of servitude. It had a higher bond of union than human authority. It was incorporated by a divine charter—"As ye would that others should do to you do ye also to them." If our numerous corporations of to-day, railroads and others, were incorporated under this charter and would live up to its holy requirements, how much more beneficial would be their influence upon the prosperity of the country, and how much more beneficial in the end would it be for their own interest. No institution in this country, which is not in the main just in its operations and dealings with society, can in the long run be successful. It may achieve temporary success and seem powerful to the short-sighted vision of those who are interested in and control it.

Belshazzar regarded himself as powerful when he made a great feast to a thousand of his lords and drank wine before them, but when in the midst of his revels he saw the mysterious hand-writing upon the wall that he was weighed in the balance and found wanting, his countenance changed. An illustration of this general truth nearer our own time is found in the history of the downfall of American slavery, of which history the underground railroad was a prominent actor. The main object of this road was to furnish aid and transportation to a place of safety, to such slaves as were fortunate enough to escape from slavery. The most available place of security on this continent at the time the underground railroad was organized was Canada—no

extradition treaty reached them there. The north star was therefore the guide to the fleeing fugitive from bondage.

There is no doubt but that the desire and expectation of a majority of those who framed and adopted the constitution were that African slavery, as it then existed in many of the states, would gradually disappear. The words slave and slavery were purposely excluded from the constitution, in accordance with the desire and expectation referred to, for it could not have occurred through accident or mistake. The members of the convention were too thorough and painstaking for that. I have no doubt that it was supposed it would be abolished by the action of the states themselves, as it was by some of them. Whether this course was wise on the part of the framers of the constitution, it will be useless now to discuss, but it is nevertheless a fact which belongs to the history of the country and slavery, and as it tends to throw light on the motive and propriety of the incorporation of the underground railroad, it falls naturally within the range of my subject.

Circumstances and influence, unforeseen and unanticipated by the framers of the constitution, prevented the fulfilment of those cherished expectations, and the profits of slavery in the southern portion of the country overcame conscientious scruples, as the prospect of gain to frequently does in human affairs, and slavery continued to grow till it became a great power, seeking to control the legislation and policy of the whole country, and consequently it became a political question dominating all other questions. Hence the irrepressible conflict mentioned by William H. Seward became a fact rather than a prediction. We find early in the history of the government, soon after the adoption of the constitution, the utterance of strong anti-slavery sentiment, by Benjamin Franklin, Thomas Jefferson and others. We find in an oration of Daniel Webster, in 1820, on Plymouth Rock, an eloquent protest against slavery and the slave trade on the high seas.

What was American slavery, as legalized in the slave states? In short, it was an investment of A in the flesh, muscles, bone and body of B, for the profit and convenience of A. It converted one person into an article of merchandise, for the benefit of another person. The law of slavery, revered the maxim of the common law, by commanding what was wrong and prohibiting what was right instead of "commanding what is right and prohibiting what is wrong." It was opposition to such palpable unjust-

ice as this, which no human law could make right or justify, which lead to the organization of the underground railroad. I have been unable to ascertain the exact date of its organization, or when the first track was laid, or when the first car was run over the road, for its records are hard to find, and when found are somewhat obscure. The best history of the underground railroad, showing in detail its operation in Philadelphia and the branch lines running into slave states, is by Wm. Still, chairman of the Philadelphia branch of the road. This is a work of nearly 600 pages, and contains many interesting cases of escapes and rescues from slavery. I had no personal knowledge of the business of the road till about the year 1835. Runaway slaves, as I heard them talked about by older persons in my boyhood days, were objects of great curiosity. I was taught to believe, that to help them was not wrong—but the highest duty. The underground designation of the road was, no doubt, suggested on account of the secrecy of its operations, which if they had been public, might have defeated the end of its organization. The southern terminus of the Ohio branch of the road, was the Ohio river, running to the southern shore of Lake Erie. There were many parallel tracks, of course managed and run by different persons, but in fact by the same company. At Lake Erie, this road like other railroads, operated a line of boats, running in connection with the road from south to north shore of Lake Erie. Slaves would escape from their owners in the slave states, and were supposed to have crossed the Ohio river on ice, or to have forded it in a low stage of water. No director, stockholder or employee of the underground railroad would ever admit to any suspicious-looking character that they had ever seen fugitives or heard anything about them. They would next be heard from in Canada. They got there, of course, on the underground railroad. This was before expert newspaper reporters were abroad interviewing everybody, or the secret might have got out. The road in this way did a profitable business and made large dividends—not in gold, silver or greenbacks, but in the current coin of sweet consolation, that ever flows from the performance of a duty, prompted by every impulse of humanity, and enjoined by every precept of religion. In the matter of profit this road was an exception to many of the roads, since built, running north and south, for as a general thing the roads in this country, running east and west, have been more profitable than those running north and south. I will not stop to account for

this fact, but I refer to the underground railroad to refute the general idea that a road running north and south, when well and honestly managed, may not be successful. The underground railroad took good care of its stock, although it did not water it in the same sense that some of the recent roads water their stock. In many respects the management of this road was such as to commend it to the respectful consideration of other roads.

*First*—Those holding fiduciary relations to the road never took advantage of their knowledge thus gained to speculate in the bonds or stocks of the company to the prejudices of its stockholders.

*Second*—The directors, with the intent of destroying the business of rival roads, never charged so low a rate on through freight as to make it necessary, in order to make a show of profits, to charge exorbitant local rates at points where there was no competition.

*Third*—They never organized fast freight companies, composed of themselves and their friends, and permitted them to put cars on the road, at such rates as would enable the freight companies to pocket enormous profits, at the expense of the stockholders whose agents and trustees they were.

*Fourth*—The projectors of this road never allowed it to be sold and bid in by themselves, that they might own it, free from the claims of those whose money had built it.

*Fifth*—The directors never entered into an agreement with other roads as to freight or passengers, to be broken at the first suggestion of advantage to the party breaking it.

*Sixth*—The directors never constructed splendid palace cars and put them on the road for the special accommodation of themselves, at the expense of the general stockholders. They were willing to ride, if it became necessary, as other people did.

*Seventh*—This road was never compelled by any of these practices to reduce the wages of its employees to almost starvation prices, in order to realize profits during a period of business stagnation. It was forbidden to do any of these things by the law of its creation—"as ye would that men should do to you, do ye also to them likewise."

This was the underground railroad, as it existed in Ohio, and so far as I am informed, it was substantially the same in all the free states. I will briefly refer to its practical operation on the line with which I had some connection, and this was from the Ohio river north through Warren, Trumbull county, to Lake Erie. There were stations at Wellsville, New Lisbon, Austintown, Youngstown and Warren.

North of Warren there were stations, among the prominent of which were Bloomfield, Jefferson and Ashtabula. I think there was a branch road (narrow gauge perhaps) to Painesville and Fairport. Escaped slaves, male and female, would find their way to one of these stations and they were properly cared for by the directors, stockholders and employees of the road. Sometimes they would come singly, but often there would be several in company; for their journey northward, especially before they reached a station, was subject to great hardships, and there was danger, without constant watch, of their being captured and returned to slavery; hence they felt more secure in companies of two or more, for one could watch while a comrade slept. They were generally transported from station to station in the night season in covered wagons, Quaker wagons, especially if their route was through Salem. They were secreted days in houses along the line. There was no difficulty of procuring among the people aid in the way of food and clothing and transportation, for there were few persons whose theology, politics, religion or character was bad enough to prompt them to refuse aid to a trembling fugitive fleeing from a cruel slavery. These escapes, by means of the underground railroad, brought the subject of slavery constantly before the people and tended to create and keep alive a strong anti-slavery sentiment among them; and therefore the operations of this road were ultimately connected with the events which make up a complete history of the anti-slavery cause and the destruction of slavery in this country. While some people were talking anti-slavery, the underground railroad was acting anti-slavery, and the acting accelerated the talking, and the talking increased the acting, and they became, in the course of events, powerful agents in removing from the government its greatest peril. We now have a government whose corner-stone is not slavery, but freedom for all. The expectations of the founders of the government, at last have been realized, but not in the manner anticipated by them or by us.

The fugitives as a class were among the ablest and energetic of their race; for it required pluck, courage and tact of no ordinary kind to attempt to run the gauntlet of escape from slavery. I was once much struck with the force and originality of a phrase by which a fugitive slave expressed the pangs of hunger experienced in the early part of his journey toward the north star. He said at one time he was so hungry "that he felt hollow clean down to his ankles." It frequently happens that humble, uned-

educated persons of great natural ability are able to instruct those more learned and cultivated. In fact, there is no person so humble as not to be able to give us instruction on some matters, if we will condescend to heed it.

Daniel Webster learned a terse, apt phrase from an illiterate boatman in Virginia, and used it afterwards in speaking and writing, and in this way, says Mr. Ticknor, "it has become a common phrase in our part of the country, where few persons know its origin."

It was no part of the object or purpose of the projectors of the underground railroad to go to the slave states, to induce or help slaves to escape or counsel violence of any sort. They afforded aid and means of escape to such slaves as came among them on their own motion. There were those in the slave states who would risk their lives and their liberties in aiding slaves to escape, and a detailed history of the underground railroad, given by William Still, records their names. I will give the facts relating to two escapes as fair samples of all, showing the intense longing of the slaves for liberty and the alacrity of the people to aid them. One I take from Mr. Hill's work, and the other occurred at an early day on the line of the road in this section of the country. Henry Box Brown, so called from the singular manner of escape, was a slave in Richmond, Virginia, a man of invention and intelligence, and was willing to risk all for his freedom. He conceived the idea of being boxed up and sent by express on the railroad from Richmond to Philadelphia. He devised and planned the box, two feet and eight inches deep, two feet wide and three feet long. He supplied himself with water in a bladder and a few small biscuits; and that he might not be suffocated for want of air, he added a large gimlet. He was then carefully boxed up, the box nailed together and bound with five hickory hoops securely nailed to the box. The box was then directed to William H. Johnson, Arch street, Philadelphia, and marked, "This side up with care," an injunction which the burly expressmen gave little heed to, for he traveled miles with the box wrong end up—his head down, his heels up. In twenty-six hours from the time he left Richmond he arrived at Philadelphia, was taken to the anti-slavery office by friends, who had been advised of his arrival, and the box was opened and he emerged from it safe and sound. As soon as he was fairly released from his cramped position he said to his four friends who greeted him that he had selected for his arrival hymn the words,

"I waited for the Lord and he heard my prayer," and he sung it with a touching pathos that went straight to the hearts of his audience.

Tom and Jenny, husband and wife, as well as father and mother, with their two young children, were seen on the road, weary with travel, September 23, 1883, in the township of Bloomfield, Trumbull county. They were escaped slaves traveling on foot towards Canada. The good people of Bloomfield spoke to them words of cheer and they slowly traveled on. The children were so small they had to be carried most of the way, but their parents toiled on in hope, as parents will who love their little ones. The next day (Sunday) towards night two men from the south on horseback rode up to the tavern (they had no hotels in those days) then kept by Milo Harris, had their horses put out and called for supper, and while eating one of the men inquired of the attendant if she had seen any colored people passing lately. She replied: "Yes; I saw a man and woman with two children about this time yesterday going north." The men remarked that they would stay all night, rest their horses and get some shoes set on them and proceed early in the morning, adding that we are so near that we can soon overtake them. This remark revealed to the girl the whole story. They were slave hunters in quest of the father, mother and children who had left Bloomfield the day before. The girl became alarmed at the information she had given, went to Mr. Harris and told him what she had heard and the information she had given. Mr. Harris went immediately to Ephraim Brown, then a resident of the place, and gave him the particulars. A plan was soon matured and Mr. Brown procured the services of two men who could be trusted, Cynsel Green and John Weed, supplied them with two strong horses and a covered wagon, in which they were to pursue as fast as possible, overtake the fugitives and bring them back to Bloomfield. Evelyn Barnes was the blacksmith employed to shoe the slave hunters' horses, and he was requested to have everything in readiness so that he could set shoes early in the morning, as it was important they should get an early start. Mr. Barnes was posted as to the importance of the case and of course was anxious that the slave hunters should get off early in the morning—but it has been suspected that he did not intend that the men should get the start of the fugitives. He made the nails and had them all ready to drive in the morning, but he had horrible bad luck in driving them; he bent some, broke others and had to make new

ones, and the consequence was that the men did not get as early a start as they expected, but with great labor and skill Mr. Barnes finally finished the job and got his pay for it. The horsemen started north, reached Rome, Ashtabula county, stopped at a tavern kept by John Crowell and put out their horses. Mr. Green and Mr. Weed had overtaken the fugitives, induced them to return with them, and had also stopped at the same tavern and secreted the fugitives in Mr. Crowell's barn, and they were there when the hunters rode up. The fugitives saw the hunters through the cracks, but the children warned of their danger, were as whist as mice. The hunters inquired of Messrs. Green and Weed if they had seen in coming from the north any colored persons.

"Yes," they replied, "we saw a man and woman and two children going north." The hunters went north, and Green and Weed with their load returned to Bloomfield. Before they returned Mr. Brown, Mr. Harris and Mr. Barnes, the blacksmith, had extemporized a little cabin in the woods on the land of Mr. Brown, about half a mile from any road. In this cabin, Tom, Jenny and their children remained, fed and clothed by the kind people of Bloomfield till the immediate danger of pursuit was over, and the next spring they made their way into Canada. One of the slave hunters in a few days returned to Bloomfield, unable to find the game. It had been lost on the underground railroad. The other returned by way of Painesville, thinking the game might be there.

In going north the hunters had passed through a toll gate on the Trumbull and Ashtabula turnpike without paying toll, and when one reached Bristol on his return he was arrested for running the gate by Milo Harris, acting constable, and brought back to Bloomfield for trial. He was tried before Jared Kimball, a justice of the peace, and fined five dollars; but as he had but little money he was allowed to go on by paying one dollar and a half. An attorney was appointed to prosecute, and it was a great trial—there was much fun and excitement. Mr. Milo Harris, known as Judge Harris, now eighty-two years of age, and the only survivor of the persons participating in the escape of Tom and Jennie, is now present on the platform near me (Mr. Harris stood up and was enthusiastically cheered by the audience). There were men and women members of the underground railroad engaging heartily in its work, and in all matters connected with the business of the road. The women voted, and this by the way was one cause of its success.

There were members of this corporation who would have burned at the stake rather than refuse a crust of bread or a cup of cold water, or something more substantial, if necessary, to a slave fleeing from an unjust and cruel bondage. The Fugitive Slave law of 1850, bristling as it did with the pains and penalties of fine and imprisonment, only added to the business of the company and largely increased its membership.

The action of the road was an unmistakable manifestation of the deep convictions of the people, that slavery was wrong, and a standing protest against its continuance. I trust I may be pardoned for referring briefly to the character of the anti-slavery pioneers. They exhibited great pluck and the highest order of courage. They were a small band at first, following their convictions through obloquy and reproach; denounced as fanatics and disturbers of the public peace, seeking to overturn order in society and counseling disobedience to its laws; murdered, robbed, tarred and feathered, pelted with rotten eggs and imprisoned, they remained steadfast in their faith and diligent in their work. I wish to speak, more particularly to-day, in behalf of the humble workers in the anti-slavery cause, many, very many of them have gone to their reward "in the clear upper sky" where their souls are "marching on," cheered by the remembrance of duties performed on earth. Their names will probably be unmentioned in history and forgotten, except by their immediate descendants. Although their names may be forgotten, what they did to free their country from slavery and make the superstructure of the government consistent with the principles of human freedom, upon which its broad foundations had been laid, will live till the last page of its history shall have been written. They were not laboring for earthly fame, wealth or power. Their convictions were their only guide in the pathway of duty.

The character of the anti-slavery pioneers is fairly represented by the persons whose names I have mentioned in connection with the escape of Tom and Jennie. Ephraim Brown was a pioneer settler, as well as a pioneer anti-slavery man. He came to Bloomfield, Trumbull county, from New Hampshire, in the year 1815, and he brought with his other effects, his hatred of slavery, which he held on to firmly and constantly as long as he lived. I have been permitted to make an extract from a letter written by him when a young man, dated November 19, 1807, and addressed to Silas Brown, a relative, in Natches, Mississippi territory, in answer to one

from him urging Mr. Brown to come south. Mr. Brown wrote: "I have been taught from my cradle to despise slavery, and will never forget to teach my children, if any I should ever have, the same lesson, for—

"'Tis Heaven's highest gift, 'tis Nature's great decree,  
That none be slaves whom God Himself made free."

Again he says: "Here (in New Hampshire), the buying and selling of defenseless human beings does not form our commerce, nor the using of them like beasts our agriculture." Ephraim Brown kept his promise; his children were all decidedly anti-slavery. His son, James M. Brown, was an intelligent and active worker in the anti-slavery cause till his death in Massillon, Ohio, in 1869. He and I, in the fall of 1843, rode to Columbus on horseback from Trumbull county to attend a Liberty party convention, and were gone about ten days. Here, on my old stamping ground, I recall a few names of pioneer workers in the anti-slavery cause, whose work on earth has been finished, Levi Sutliff, Milton Sutliff, Calvin G. Sutliff, James D. Taylor, Ralph Hickox of Warren. The latter was cashier of the old Western Reserve bank, and had he lived I think his name would have been prominent among anti-slavery workers, for he was intelligent and influential. James D. Taylor was active as a worker and speaker till he went to Illinois, where he at once took high rank as a lawyer, and in the midst of success and usefulness he died. Among the early anti-slavery men of Warren from 1835 to 1845, who lectured and spoke to the people, I think Judge Hoffman and I are the only survivors. We have been frequently in every township comprising Trumbull county, before it was divided, trying to convince the people that slavery was a sin and a crime, and ought to be abolished. We spoke in the school-house of olden time, and all the light we had, except what we brought with us, was three or four dipped tallow candles. In this section I recall the names of Robert W. Taylor, Robinson Truesdale, Dr. Truesdale, Deacon James Adair, Prior Tanner, Elijah Bond, Azariah Wetmore, Wilson S. Thorn, Deacon John Langheridge, Samuel Tylee, Thomas Chew and James Christy, of Brookfield, Trumbull county; James Barnes, Canfield, and Abner Rush of Liberty.

The anti-slavery men, after about 1844, when the cause began to crystallize into organized effort, were divided substantially into three classes:

*First.* Those who regarded the constitution an unholy compact with slavery, and who held political action under it, voting, or otherwise a participation in

the crime of slavery. William Lloyd Garrison was an acknowledged leader of this class.

*Second.* Those who regarded separate and independent political action under the constitution as a right and a duty; they organized the old Liberty party. Among the prominent men of this class in Ohio were Dr. Bailey, Salmon P. Chase, Samuel Lewis, Leicester King, Edward Wade, none of whom are now living.

*Third.* Those who did not sever their connection with the party to which they were attached. Among the prominent men of this class were William H. Seward of New York, and Joshua R. Giddings and B. F. Wade of Ohio, neither of whom acted with or encouraged the old Liberty party. Mr. Giddings and I had an anti-slavery discussion in Hartford, Trumbull county, in 1844, on the propriety of anti-slavery men voting for Henry Clay, Mr. Giddings maintaining the affirmative. James G. Birney was then the Liberty party candidate.

B. F. Wade was a member of the Whig party when elected to the senate, and voted with it while it existed.

No one, at the present day, will question the sincerity and zeal of each of these classes, and each in its own chosen mode and manners had its influence on the formation of public opinion. Each class heartily supported the underground railroad. The names of the public actors in the anti-slavery cause will find their appropriate place in history, but they are entitled to no more credit, if as much, as the more humble workers, as the former were in part moved by the excitement of the discharge of a duty, as the organs of public opinion and the knowledge that such duty performed naturally brings that reward which fitly follows the faithful discharge of a high public trust. They are made prominent as faithful representatives of a reform in which they may or may not have been originally identified. Abraham Lincoln will justly be regarded in history as an emancipator, as by his proclamation of emancipation he struck the fetters from four million slaves. It was a grand, God-like act. We should not, however, be so dazzled by it as to entirely forget the springs, creeks and rivers of anti-slavery sentiment running through the land, all aggregating the ocean of public opinion which made the proclamation a possibility and a success. Without these tributary influences, the proclamation probably would never have been issued, but if issued it would not have been the sublime success it was.

We admire nature's works when they culminate in

exhibitions of sublime power, but the thoughtful student of nature will not overlook the small tributary influences, without which there would be no such exhibitions of power. The roar of Niagara would never have been heard, to the admiration of mankind, if the springs, creeks and rivers, which supply that chain of great lakes, whose waters rush over that wonderful precipice, had never existed. The Mississippi is a mighty river, capable of floating on its broad surface all the products of the vast country it drains, but take from it the springs, brooks and creeks which make the Mahoning river, and all other like tributaries, and it would not contain water enough to float an Indian's bark canoe. Great reforms culminate in success through the agency of public men, as the honored and faithful organs of public opinion. Let full praise be awarded them, but let us not forget the more humble workers who contributed to the grand result. I claim, therefore, for the humble projectors and supporters of the underground railroad a part of the honor of the proclamation of emancipation, issued by President Lincoln.

The anti-slavery discussion and action produced great excitement, and engendered bitter and hostile feelings between the people of the free and the people of the slave states. Under the excitement of these discussions, and under the false theory of state rights, nearly every slave state commenced the late civil war. The result now belongs to history. The substance of this false theory of states' rights was "that the constitution of the United States is a compact to which the people of the states, as separate and sovereign committees, are the parties. That the sovereign parties have a right to judge each for itself of any alleged violation of the constitution by congress, and in case of such violation, to choose each for itself its own mode and measure of redress." This theory of the constitution had been shown to be false, so far as argument can show any proposition to be false, in the great historic debates between Mr. Hayne and Mr. Webster in 1830, and Mr. Webster and Mr. Calhoun in 1833. In consequence of Mr. Webster's speech of the seventh of March, 1850, giving support to the compromise measures of that year, he was charged at the time by many anti-slavery people with having abandoned his previously outspoken anti-slavery opinions, and at that time I was of that opinion. It was charged that his motive was to get the support of the south for the Presidency. From a careful review since that time of the then excited state of the public mind on the slavery ques-

tion, and a careful reading of that able and remarkable speech, in the light of events which have since transpired, I am satisfied that great injustice has been done Mr. Webster. He did not, in that speech, recede from any position theretofore taken by him on the subject of slavery. He probably saw more clearly than any other statesman then did, the eminent danger of a serious conflict between the free and slave states, and he sincerely thought that a compromise in which neither side, according to his view, really surrendered anything valuable in principle, would prevent an open conflict. He had studied the constitution thoroughly, in the clear light of events, and with respect to the language of it, and from the rich storehouse of his great and trained intellect, he brought out the true theory of its construction, clearly defined the relation of the states to the general government, and pointed out the precise result of an attempt to put in practice the theory of secession. This was done so ably and so plainly that any person of ordinary intellect could comprehend it.

His speeches, more than those of any other statesman of the time, prepared the public mind for the conflict when it came, and they were a stimulus, as well as a guide to the action of the government in putting down the rebellion. I do not refer to this matter to discuss it, but to say that while I did not then, and do not now, with more careful information, believe that the compromise measures of 1850 were wise, I acquit Mr. Webster of sinister motives in making that speech.

This false theory of secession, put forth by the advocates of slavery, gave what might be called a color of right on the part of slave states to pass their ordinances of secession, but slavery was the bone of contention, and the real ground of their action. Every true American, of whatever section, should rejoice that both secession and slavery were buried at the same time and in the same grave, beyond the probability of resurrection. Here again I claim glory for the underground railroad. The qualities of its members, which made them successful managers of a railroad, made them also good fighters in the war. They aided in demonstrating to the whole world that the people who were loyal to the constitution were numerous enough, patriotic enough and strong enough to successfully resist all assaults upon it, whether from enemies within or foes without.

The result of the great contest has imposed upon the people of the whole country new duties and opened to them new possibilities. Hence the strife, excitement and passions which preceded the war, and

were intensified to a white heat during its progress, should become obsolete and give place to the discharge of those duties and the realization of these possibilities. We cannot expect complete prosperity without it. This must be the work of time, considering the elements of human nature connected with the strife. The body politic was thoroughly poisoned by the virus of slavery, and its effects will be felt long after the virus is removed. The human body, when thoroughly poisoned by a malignant fever, will not, the instant the fever is removed, be restored to perfect health. This must be brought about, if at all, by careful and judicious nursing and a change of medicine. So with the body politic, composed of many human bodies. The people of the late slave states in the Mississippi valley are terribly afflicted with "a pestilence, that walketh in darkness, and a destruction that walketh at noonday," and they are sorely in need of aid. The people all over the north are contributing nurses and aid with alacrity and liberality, for they are a humane and Christian people; they are prompted by the same spirit of humanity that induced the supporters of the underground railroad to furnish aid to the flying fugitives from slavery, in proof of which I again quote from the charter of the underground railroad: "All things whatsoever that ye would that men should do to you, do ye even so to them, for this is the law and the prophets." Charity "is twice blessed; it blesseth him that gives and him that takes." May we not, therefore, hope and expect that there is in this dark cloud of affliction a "silver lining" more effective for kindly feeling between the recently alienated sections than have been the wisest plans of statesmen?

Mr. President, in conclusion, as our good minister in pioneer times, in closing a sound doctrinal discourse, used to say, "a few words by way of improvement."

In the history of the anti-slavery reform, resulting as it did, in success, all true and sincere reformers may find encouragement.

There is no false doctrine, habit, evil measure or wrong practice, whether it be political, theological, social, financial, in whatever manner it may work injury to society, or however deeply rooted therein, that may not be made peaceably to yield to the force of truth and justice in a country where the people are intelligent, and discussion and ballot are free. Violence comes generally from those in the wrong, as it did in the great rebellion. Slavery "took the sword and perished by the sword." Disraeli, the present distinguished premier of England, is re-

ported once to have said, "There is an irresistible law of our modern civilization which has decreed that the system which cannot bear discussion is doomed." This is more universally true in this country, where her free ballot comes in to supplement the force of free discussion. Through the agency of the ballot laws are made, amended and repealed. As a New England anti-slavery poet—Mr. Pierpoint, I believe—once in substance wrote (I quote from memory):

"The ballot falls silently and still,  
Like snowflakes on the sod;  
But executes a freeman's will  
As lightning does the will of God."

It was the ballot behind bayonets and bullets that gave the anti-slavery sentiment of the country the power to destroy slavery. How strongly entrenched was African slavery in this country, when the true spark of anti-slavery was kindled in earnest.

There were invested in slaves in the slave states, at a fair commercial valuation, about two thousand million dollars, and about the same amount was invested in it in the free states, by reason of its connection with the trade and commerce of the country. Here were four thousand million dollars to be used in the manufacture and control of public opinion against anti-slavery agitation. Was it strange that to some extent the pulpit and the press, the bar and our educational institutions, were subsidized to the support of slavery. Many learned doctors of divinity, presidents and professors of colleges, able lawyers, editors and politicians, as conservative as owls, and on some subjects about as wise, fiercely denounced anti-slavery agitators and hooted at anti-slavery agitation. These conservatives created as much disturbance as did the silversmiths of Demetrius when the temple of Diana was assailed by the preaching of Paul. As a fair specimen of the way the press treated anti-slavery men, I will quote what a leading commercial paper in New York city said of them about forty years ago: "They resemble a certain animal—an odiferous dispenser of disagreeable effluvium—well known in our forest and fields." Human selfishness did not perish from the earth in the destruction of American slavery. It is still abroad in all the land, and when it gets an advantage it is apt to hold on to it until compelled to let go by the force of public opinion. The reformers although in a minority, need not be discouraged at the fierceness of opposition. In the face of opposition and lawless violence, such as we are not taught to expect in this enlightened day, the underground railroad

was organized by anti-slavery men and women, and its cars were kept running till they ran over all with pro-slavery opposition that did not heed the posted warning, "Look out for the locomotive when the bell rings." The spark of liberty had been kindled, and, in the language of another, "When kindled it will burn. Human agency cannot extinguish it. Like the earth's central fire, it may be smothered for a time; the ocean may overwhelm it; the mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land; and at some time or another, in some place or another, the volcano will break out and flame up to heaven."

#### HON. LEICESTER KING.

The early prominence of Mr. King in the anti-slavery cause will justify a brief notice of his life and character, more extended than was proper in the underground railroad address. Leicester King was a descendant of the Puritans who fled from England as early as 1640, to exercise in America that liberty of conscience in matters of religion not then enjoyed in England without the fear of fire and fagot. His father, David King, the son of Ebenezer King, jr., and fifth in descent from James King (who settled in Suffield, Connecticut, in 1678, emigrating from Devonshire, England), was born in Suffield, April 16, 1758. His mother was the daughter of Israel Holly, a descendant of John Holly, among the first settlers in Stamford, Connecticut. Leicester King was born in Suffield, Connecticut, May 1, 1799, and married October 12, 1814, Julia Ann Huntington, a daughter of Hon. Hezekiah Huntington, who for many years was United States attorney for the district of Connecticut, and the sixth in descent from Simon Huntington, who

sailed in 1633 from Norwich, England, but died on the passage from the latter place to this country.

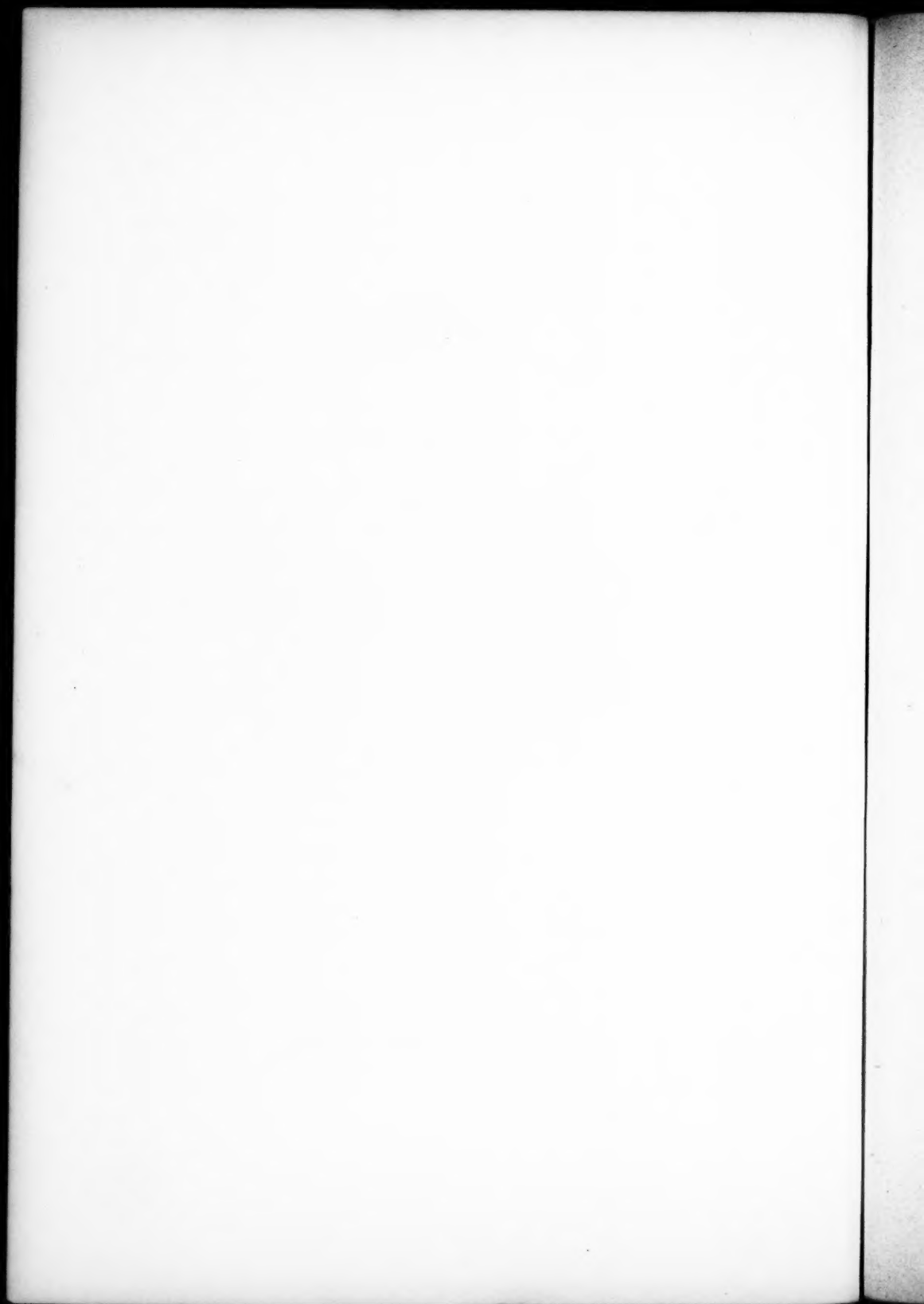
Judge King received his education in the schools of Suffield, Connecticut, always noted for their excellence, and in which school Judge Calvin Pease and Judge George Tod, two distinguished pioneers of Trumbull county, whose judicial records constitute the brightest pages of Ohio's judicial history, the Hon. Gideon Granger and others received the elements of their education. Judge King's education did not stop with his school life, for he was in the leisure hours of his busy life a constant and intelligent reader of history and literature, and on all subjects he was a remarkably well informed man.

His wife, an educated and cultured lady, was a helpmeet for him in the exercise of his large beneficence, in the education of their children, and in the discharge of his many public duties and trusts. He commenced mercantile business life in Westfield, Massachusetts; but in 1817 he came to Warren, Trumbull county, and there successfully carried on the same business till he removed to Akron in 1854. As a merchant he was eminently successful in a place like Warren, a thriving village in pioneer times and the county-seat of Trumbull county. He left an estate valued at his death from \$250,000 to \$300,000, no doubt largely enhanced by the purchase of real estate in Akron about the time of the location and construction of the Pennsylvania and Ohio canal. In truth he may be regarded as



Western Eng. Pub. Co.

*Leicester King*



the father of that improvement, which at the time of its construction, before the introduction of railroads, was regarded as of first importance to the natural interests of the western reserve. His energy and influence in the legislature and out of it secured its completion, which was celebrated with great eclat at Akron, as many of its older citizens will remember. I notice a circumstance connected with that corporation which illustrates the character of Judge King. That company had important legislation in Mercer county, Pennsylvania, which was submitted to the arbitrament of three distinguished men of Pennsylvania. The trial was at New Castle, Pennsylvania. I was associated in the trial of the case for the company with Judge R. P. Ranney, and it was decided in favor of the company, a result mainly attributable to the thorough and judicious preparation of the case by Judge King, then president of the company. Mr. King's political life may be said to have commenced with his appointment by the legislature under the old constitution as an associate judge of the court of common pleas of Trumbull county, a position he occupied with credit one term.

He was twice elected to the state senate, in 1833 and 1835, by the electors of Trumbull county as a Whig, and he was a leading and influential member of that body. The Whig party was then strong in the state, and if he had remained a member of it he might have secured any position within its gift. From early life he followed his

convictions of political duty, although they might prejudice his political or business success. When he had been in Warren in business about two years he was persuaded by his brother-in-law to visit Natchez, Mississippi, with a view of going into business there. At that early day he saw the injustice of slavery, and was unwilling to subject himself and family to its baneful influences, and at the sacrifice of what he then regarded important interests which promised large success, he returned to Warren, where he remained till his removal to Akron.

In 1842 he was the Liberty party candidate for governor, was re-nominated in 1844 and secured both years the full vote of that party in the state. I remember well the peculiar prayer of old Father Keep, an anti-slavery minister of Oberlin, when he was running for governor: "Grant, oh Lord, that we have a king for governor, whose name shall be Leicester." The prayer was not answered, but the spirit of anti-slavery was then marching on to final and complete victory.

Judge King made a thorough canvass of the state, traveling in his own carriage at his own expense making speeches in every county and in many of the townships. He was very effective as a public speaker, presenting his facts and arguments in earnest, terse, plain language, and within the comprehension of the people. The Liberty party was then unpopular, and was regarded by the Whig party as a sort of tender to the Democratic party, then claimed to be more pro-slavery than the Whig party. Judge King

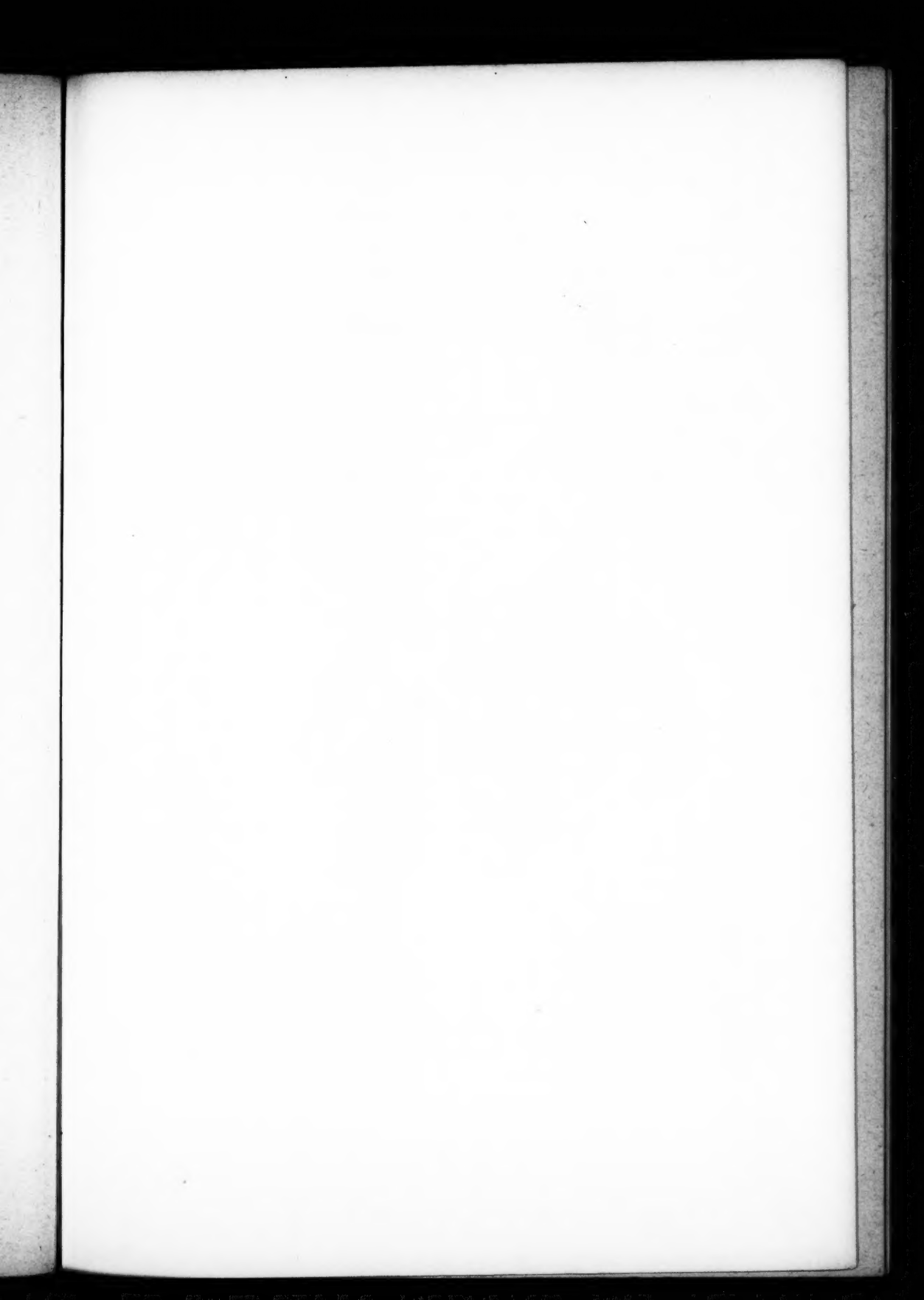
had a two days' public debate with Joshua R. Giddings at Bloomfield, Trumbull county, in which the duty of anti-slavery men to vote the Liberty party ticket was affirmed by Judge King and denied by Mr. Giddings. The latter was an able lawyer, trained in debate, at the bar and in congress, and thoroughly understood the subject of slavery and its moral turpitude and political aspect, and as able a man as was Judge Milton Sutliff, who listened to the debate, pronounced Judge King the peer of Mr. Giddings in argument. Perhaps some allowance should be made, from the fact that Judge Sutliff agreed with Judge King in his views of political duty. Judge King's house in Warren was the general station for the passengers of the underground railroad. There they received shelter, food and clothing. Judge King being better off in worldly goods than a majority of anti-slavery men in Warren, especially the younger men, was relied upon for a larger share of the expenses, to furnish rolling stock and equipment of that institution.

Judge King, G. Bailey, Salmon P. Chase and the Rev. Samuel Lewis, were among the most influential men in the Liberty party organization in Ohio, up to 1844. John P. Hale was a candidate for President and Judge King vice-president on the Liberty party ticket, nominated in 1847, but they declined in 1848, when Martin Van Buren and Charles Francis Adams were nominated at Buffalo, and thereafter they acted with the Free Soil party, as did most of the old Liberty party men. After the death of his wife at Warren, in January, 1849, Judge King

withdrew from active political life. He married, June 10, 1852, his second wife, Calista M., daughter of Dr. Eliakim Crosby, by whom he had no children.

The children of his first marriage were eight, four sons and four daughters, all of whom—except Susan H., who died at Warren in 1839—survived him. Henry W., his oldest son, then a resident of Akron, was elected secretary of state by the legislature in 1850, and died in Akron in 1857. Julia A., his oldest daughter, married Charles Brown, son of Ephraim Brown of Bloomfield, at whose house Judge King died September 19, 1856, and up to the time of his death, he took great interest in public affairs and looked forward with hope to the time when every man in this broad republic should enjoy that "inalienable right to life, liberty and the pursuit of happiness," which was his birthright. Leicester, his second son, volunteered his services in the War of the Rebellion, and was an efficient officer in the army; now resides in Washington, District of Columbia. His daughter, Mrs. Brown, died in Cleveland, January 8, 1885. His daughter, Helen D., married James Atkins, a citizen of Savannah, Georgia, and died in Brooklyn, New York, where she had gone for medical treatment, November 2, 1886. His son, Hezekiah, now resides in Savannah. His daughter, Catherine H., married President W. K. Pendleton of Bethany college, West Virginia, and now resides there. His son, David L., a prominent citizen and business man, and who resembles his father in personal appearance more than either of his other sons, now resides in Akron.

JOHN HUTCHINS.





Western Engr. Pub. Co.

Yours Truly &  
Robt. Mitchell

ROBERT MITCHELL, ESQ., OF CINCINNATI, AND THE ROBERT  
MITCHELL FURNITURE COMPANY.

A LITTLE less than one hundred years ago, Cincinnati, now the manufacturing and commercial metropolis of the Ohio valley, had neither local habitation nor name. Founded in the stormy days of November, 1788, the unpromising village became in 1790 the capital, military headquarters, rather, of the north-western territory, whose almost continuous forests composed what is now Ohio, Indiana, Illinois and Michigan.

When, in 1802, this village became incorporated, its population amounted to about seven hundred—as many inhabitants as persons now employed in the Robert Mitchell Furniture Manufacturing company.

Perhaps no other single fact in the comparative history of the northwest will more forcibly illustrate its progress, growth and development.

Moreover, this immense establishment stands upon the old camp ground of General Wayne's army, where "Mad Anthony" organized his army for the final subjugation of the Indians, and known as "Camp Hobson's choice," where, in the fall of 1794, he marched to win the battle of Fallen Timbers.

As far back as 1800, Messrs. Lyon & Maginnis advertised in one of the early newspapers their readiness "to manufacture desks, dining-tables, plain and veneered," at their shop a little distance

from Fort Washington on the Hamilton road.

The first notice of the industries of our city in a general way was in 1811 when John Melish, an Englishman, published two volumes on 'Travel in America.' In speaking of Cincinnati, this writer says:

This is next to Pittsburgh, the greatest place for manufactures and mechanical operations on the river, and the professions exercised are nearly as numerous as at Pittsburgh.

Carpenters and cabinet-makers have one dollar per day and their board, masons have two dollars per one thousand for laying bricks and their board. When they board themselves they have about four dollars per one thousand.

The condition of Cincinnati in 1836, when the name of Robert Mitchell first became prominent in the manufacturing history of Cincinnati, is thus portrayed by Benjamin Drake, who in an article to the Western Monthly Magazine and Literary Journal for January, 1836, said that the city had then "but few, if any, overgrown manufacturing establishments, but a large number of small ones, confined to individual enterprise and personal superintendence. These are distributed among all classes of the population, and produce a great variety of articles which minister to the wants and comforts and luxuries of the people in almost every part of the Mississippi valley. In truth, with the exception of

Pittsburgh, there is no city in the west or south that, in its manufactures and manufacturing capacity, bears any approach to Cincinnati and her associate towns."

ROBERT MITCHELL.

It is interesting to contemplate as busy and successful a life as that which Mr. Mitchell has led since he came to Cincinnati, now more than fifty years ago. So conspicuous have been his unceasing labors not only to build up the magnificent establishment of which he is the distinguished head, but prominently identified as well with all that concerns and conserves the general welfare of the city of his adoption, that it goes without the saying in Cincinnati that no man can fill his place whenever and however it shall be made vacant.

When the centennial of our settlement, both as a city and territory, shall be celebrated, Robert Mitchell's name will shine with particular radiance as a contributor to the industrial progress of the century—a name which may be regarded as a connecting link between the first half and the latter half of the one hundred years that will soon be told touching the history of Cincinnati and of Ohio.

#### THE MITCHELL FAMILY.

Mr. Mitchell was born in the north of Ireland, November 15, 1811. His ancestors were among those who left Scotland—the land of heroes and martyrs—during the religious persecutions under Charles I, in 1636; and again under Charles II, in 1662. These colo-

nists were, therefore, called "Scotch-Irish." A distinguished jurist of western Pennsylvania thus describes this race, and how this distinctive appellation came to be applied:

The class of people to whom we give the appellation of *Scotch-Irish* are very different from the Irish. Neither are they Gaelic, nor a cross of the two races. Not a drop of Gaelic or Milesian blood lurks in their veins. They are as distinct to-day as they were two hundred and fifty years ago, having maintained their Scotch lineage unalloyed. As a race, they are only denizens of Ireland, to which they were transplanted from Scotland. Moreover, the early Scotch colonists were a select stock. Many of them, though not lords, were lairds, and the bulk of them were men of grit, enterprise, and above the average intelligence. These Scotch-Irish and their descendants gave to the country some of the best soldiers of the Revolution, and the institutions and industries they brought with them are with us until this day.

To this source we can trace many of the foremost families of Cincinnati and the west. Among them, besides the Mitchells, may be named the Hendricks, Scotts, Speers, Galbraiths, Andersons, Lowreys, Boyds, Alexanders, MacFarlanes, Porters, Addys, Sterrets, Lytles, Campbells, Moors, Ramsays, Gibsons, Howards, Allisons, Stuarts, Hughes, McClures, etc.

But the family of which Robert Mitchell is the representative in Cincinnati is of still remoter origin. Soon after the conquest of England by William, the seventh duke of Normandy, therefore called William the Conqueror, four founders of the Mitchell family left Normandy and entered England, viz., Radulphus, Geoffrey, Selle and William de St. Michael. From this it appears that the surname Mitchell was taken from the locality, Mount St. Michael,

on the coast of Normandy, now France. It has a scriptural meaning—who is like to God—and was first used as a surname by William de St. Michael soon after the Norman conquest.

The Mitchells are therefore of Norman origin, and became a wide-spread and influential family in England and the north of Ireland and bore arms—Ar. a cheveron purp. Seven heraldic tigers' heads erect erased vert, each devouring a cross crosslet fitch gules. Crest—a dexter arm embowed in armour, holding in the hand a sword all proper, pommel and hilt or, pierced through a leopard's face of the last. Motto—*Labor improbus omni vincit*. "Persistent labor conquers all things." As a characteristic sentiment of the Mitchell family, this heraldic motto has found, in the uniform and commanding success of Robert Mitchell, its highest exemplification. It has all his life been at once a ruling sentiment and an un-failing source of inspiration.

Robert Mitchell was one of nine children whom his parents brought to the new from the old world in 1824. At that early day—before the era of steam ships and steam cars—they were on the journey from June to September before they reached Cincinnati. The father, John Mitchell, first located upon a farm in Indiana, where Robert took lessons as the son of a frontiersman or pioneer, in clearing the forest. His aspiring mind led him to pursue a course of self-instruction, meanwhile, in books which he had brought from across the sea. Then he taught school. The next step was towards the Queen City of the west.

Having attained his eighteenth year, young Mitchell resolved to go to Cincinnati, where he arrived almost sixty years ago.

Mr. Mitchell began his remarkable career in a remarkable way. Almost his first work was to carry mortar and brick for the foundation of the old Second Presbyterian church which stood upon the south side of Fourth street, between Race and Vine. It will be remembered by some of our readers as Beecher's church, in which Rev. Lyman Beecher, father of Henry Ward Beecher, preached.

Forty years afterward Mr. Mitchell tore that church down for the purpose of erecting thereon the magnificent stores now occupied by the Robert Mitchell Furniture company. Thus in a little more than one generation, acting upon the sentiment—incessant labor conquers all things—Mr. Mitchell had been transformed from a laborer, worthy of his hire, in the material up-building of Cincinnati, to the capitalist of enlightened views, of intrepid enterprise and public spirit—himself the owner of the ground upon which he toiled fifty years ago for honest wages honestly earned, and the president of the largest manufacturing establishment of the kind in the Ohio valley.

#### A FEW INCIDENTS.

A few incidents in his career, so well known in Cincinnati, may likewise interest your many readers throughout the north and west. After working a few years at his trade of cabinet making, during a strike in 1836, Mr. Mitchell

commenced business for himself, in partnership with the late Colonel R. M. Moore, ex-mayor of Cincinnati. The partnership continued with little financial prosperity for several years—the chief profit being the value of his experience, which opened the way for eventual triumphant success.

About 1844 some wood-working machinery had been introduced in the manufacture of furniture, and Mr. Mitchell quickly foresaw the great advantage that would ensue by judicious investment in that direction. He believed that cheapened labor would lower the price of furniture—that he was without the capital for such an undertaking. In his perplexity he called upon a wealthy neighbor and submitted the matter to him, with an argument as to its being a paying enterprise. Soon afterwards this gentleman, John T. Martin, esq., called on Mr. Mitchell and said: "I have been thinking over what you said about the advantage of machinery, and if you think well of it I will furnish the necessary capital to give it a fair trial."

This Mr. Mitchell regards as the most glorious moment in his business career. The dream of years approached realization. Soon after, the construction of a factory was commenced and put in operation. In course of time the interest of Mr. Martin was purchased by the late Frederick Rammelsberg. This factory was burned down with no insurance on it, and another on a larger scale was erected in its stead. These losses and changes, and, moreover, public opinion, then decidedly adverse to "steam-made

furniture," might reasonably have dismayed a man less determined, less resistless in the exercise of an indomitable will. Upon this point we quote from a late writer: "But the steam-made furniture was not long in proving its good and enduring qualities, as well as greatly reducing the prices and thereby increasing the demand." Up to this time furniture for each locality was supplied by local workmen, but soon all this was revolutionized. The advantages of quality and prices were so great that steam-made furniture became an article of merchandise, and was shipped to many points west and south—as it is now to all points of the compass including other countries and nationalities, from the establishment which now enjoys an almost world-wide reputation.

Mr. Rammelsberg died in 1863, since which time Mr. Mitchell has conducted the business himself, assisted by his two sons, Albert H. and Richard. In 1867 the business was organized as a joint stock company, taking the name of "The Robert Mitchell Furniture company," with Mr. Mitchell as president. By this name both the factory and stores are managed.

Throughout his long and successful career he has exercised constant and the closest personal supervision over all the details in his business, both in the factory and store. Hence, the perfect system which characterizes the management of both. And to this fact his extraordinary success in the main may be attributed. Imparting to it his tireless energies, a commensurate re-





*W. J. Force*

ward has followed—the upbuilding of the largest factory of the kind in the great central west.

Incessantly and watchfully interested in the continued success of his great life-work, he is among the first to test and then adopt every new method or invention intended to improve machinery by which he may be enabled to secure the highest possible excellence attainable in all departments.

In conclusion a word should be said touching the reputation of a gentleman who occupies so conspicuous and honorable a position in the history of Cincinnati. Those who know Robert Mitchell the best say that he is a man of great probity of character, original in his views, independent in action, and endowed with great capacity for affairs. He stands in the estimation of his fellow-citizens as a typical example of

what physical and intellectual force, incessant labor, an indomitable will, high moral character and spotless integrity can achieve in the short space of one human life. He is an accomplished, as well as a native-born, gentleman, whose commanding qualities as a manager of vast business matters are adorned by courtly manners in his intercourse with all who come either in social or business contact with him.

Though in his seventy-sixth year, Mr. Mitchell retains to a remarkable degree his native vigor, both mental and physical, and, with his accustomed regularity, is still daily found at his places of business, guiding and directing the more important work in the various departments of his factory, and looking after all the general interests thereof.

HENRY DUDLEY TEETOR.

## THE BENCH AND BAR OF OHIO.

### I.

#### GENERAL MANNING FERGUSON FORCE.

MANNING FERGUSON FORCE was born in the city of Washington, District of Columbia, December 17, 1824. His grandfather, William Force, was the great-grandson of a Huguenot refugee from France, and served in the Revolutionary army. His father, Peter Force, the historian, was a native of Passaic Falls, New Jersey. In 1793 William Force removed to New York City, where his son, Peter, learned the print-

er's trade. In 1815 Peter Force removed to Washington City, where he published the *National Calendar* from 1820-36. In 1823 he established the *National Journal* in support of Mr. Adams; was mayor of Washington from 1836-40, and president of National Institute at Washington. The great work of Peter Force—'The American Archives,' in nine volumes (the tenth being unfinished at the time of his

death, in 1868)—covered the period of the Revolution, and embodies original documents of inestimable value. He also printed 'Grinnell Land,' a 'Record of Aurora Phenomena' and 'American Tracts,' four volumes, of great historical interest. His large and valuable library, relating to American history, was purchased by the government, in 1868, and now forms a part of the Congressional library at Washington City.

Manning F. Force entered Harvard, graduating from the college in 1845 and from the law school in 1848. The year following he went to Cincinnati and remained one year in the law office of Walker & Kebler, when, in 1850, he was admitted to the bar. Soon after he became a member of the firm as Walker, Kebler & Force. After the death of Judge Walker the firm of Kebler & Force was formed, which continued until the war for the Union commenced.

The career of General Force from the time he left his profession and entered the Twentieth Ohio volunteer infantry as lieutenant-colonel, until 1866, when he returned to his law office with the rank of brevet major-general is history.

He took part in the battles of Fort Donelson and Pittsburgh Landing, after which he was promoted to colonel. In command of his regiment he advanced upon Corinth; and was engaged throughout the whole of Colonel Leggett's desperate fight at Bolivar, and was hotly engaged in the battles of Raymond and Champion Hills. During the siege of Vicksburg his regiment was taken from the trenches and sent with Blair

on the expedition up the Yazoo, at the close of which Colonel Force was promoted to the command of Second brigade Third division of the Twenty-seventh army corps. After the siege Colonel Force was awarded, by a board of officers, the Seventeenth corps gold medal of honor. After returning from General Stevenson's expedition to Monroe, Louisiana, he was appointed brigadier-general, and took part in General McPherson's operations toward Canton. In February, 1864, his brigade went with General Sherman to Meridian, and, pushing in advance of the army, entered and occupied Jackson by night. On the fourteenth of February it was detached to destroy the railroad bridge at Chunkey, came upon the rear guard of General Stephen D. Lee's cavalry, surprised it at breakfast, drove it across the river, destroyed the bridge, and rejoined Sherman at Meridian after an absence of two days.

General Force accompanied his old regiment home on its veteran furlough, after which he reported at Cairo. Hence he marched with the Seventeenth corps to join General Sherman at Ackworth, Georgia. At this place his brigade formed the extreme left of the army. On the third of July it was transferred to the extreme right flank. On the fourth, under orders from McPherson, General Force, in command of two regiments, was directed to break up a certain cavalry camp and find a crossing of Nicajack creek. He accomplished his object, and penetrated to the main line of the army and remained there, almost surrounded, until recalled in the

night. On the twenty-first his brigade, as a part of Leggett's division, attacked and carried a fortified hill in full view of Atlanta, defended by a portion of General Cleburne's division. In the terrible battle the next day, when General Hood endeavored to recapture the hill, General Force was shot through the upper part of his face, and as his wound was supposed to be mortal, he was sent home. Three months afterwards he was able for duty, and reported to General Sherman, October 22, at Garrettsville, Alabama. For "especial gallantry before Atlanta," he was brevetted major-general, U. S. V.

In the march to the sea, General Force commanded the First brigade of the Third division, and in the march across Carolina, commanded the division. After the halt at Goldsboro, he commanded the First division, Seventeenth corps. During the closing period of the war, his staff suffered severely. Three were killed in the field, one mortally wounded, one taken prisoner, and two were sent to the hospital broken down with hard service.

During the summer of 1865, the general commanded a district in Mississippi, which was his last military service. He was finally mustered out January, 1866. Upon returning home, he was appointed colonel of the Thirty-second United States infantry, but declined the appointment.

Soon after returning to his profession, he was elected judge of the court of common pleas of Hamilton county, a position to which he was reelected in 1871. In 1877 he was elected judge of

the superior court of Cincinnati, to which he was also reelected in 1882, without opposition, both political parties uniting upon him as their candidate. For several years Judge Force has been one of the professors of the Cincinnati Law school. He is president of the Historical and Philosophical Society of Ohio, and a member or corresponding member of the *Real Academie de la Historia* of Madrid, the historical societies of Massachusetts, Virginia, Wisconsin, Buffalo and the Western Reserve; the Military Historical Society of Massachusetts, the Anthropological Society of Washington, the Archæological Institute of America, and associate fellow of the American Academy of Arts and Sciences.

Judge Force edited the seventh and eighth edition of 'Walker's American Law' and the American edition of 'Harris' Criminal Law;' wrote a volume entitled 'From Fort Henry to Corinth,' published in 1881 by Charles Scribner's Sons; and some pamphlets, among them 'The Mound Builders,' 'Darwinism and Deity,' 'Some Early Notices of Ohio Indians,' and 'Observations upon the Letters of Amerigo Vespucci.'

The following is an editorial from the *Cincinnati Commercial Gazette* of February 17, 1887:

The intelligence that Judge Force will, under the direction of his physicians, retire from the bench, and refuse to be a candidate for reelection, will be received with universal regret. The judge suffered severely from wounds received in the war, from one of which only a strong and elastic constitution enabled him to recover, and his judicial duties have been exceedingly laborious. General Force is a man of absolute purity and heroism of character—chivalrous in war, just and true in peace. There is no civ-

lized age or country in which he would not have recognition as a gentleman, to whom belongs the Chevalier Bayard's motto, "Without fear and without reproach." The loss of such a man from the bench that he has dignified and adorned, is one of which the whole community will be sensible.

TIMOTHY DANIELSON LINCOLN, ESQ., OF  
THE CINCINNATI BAR.

The colonial period in American history extended from 1602 to 1776. During that time—one hundred and seventy-five years—the colonies were a part of Old England, though called New England—the offspring of an intensely autocratic government.

Into the composition of the early American character entered, therefore, the blood of some of the best families of England, Scotland, Wales and Ireland. Noblemen and their sons seldom or never came. Because of the law of primogeniture, which gave to the oldest sons the hereditary estates, with their honors and revenues, the younger sons often well educated, and often the descendants of personages distinguished for generations for their courage, their learning, their moral and intellectual standing, were turned adrift without patrimony, with nothing but pride of ancestry, to seek both honor and fortune in the new world. Therefore many of the descendants of the colonial settlers are enabled to trace their lineage, as in this case, to the ancient and honorable families of Great Britain.

The antiquity of the Lincoln family is great, the names it has given to history—the history of Normandy, England and the United States—many and distinguished. From a 'History of the

Norman People and their Descendants in the British Dominions and in the United States of America' published in London in 1872, we take this extract:

Alured de Lincoln came from Normandy with the Conqueror. He witnessed a charter in Normandy, A. D. 1080, and in 1086 held a great barony in Lincolnshire and Bedfordshire. In 1130, Robert de Lincoln occurs, and in 1165, Alured de Lincoln held a barony of thirty fees. There were various collateral branches, from one of which probably descended Abraham Lincoln, President of the United States.

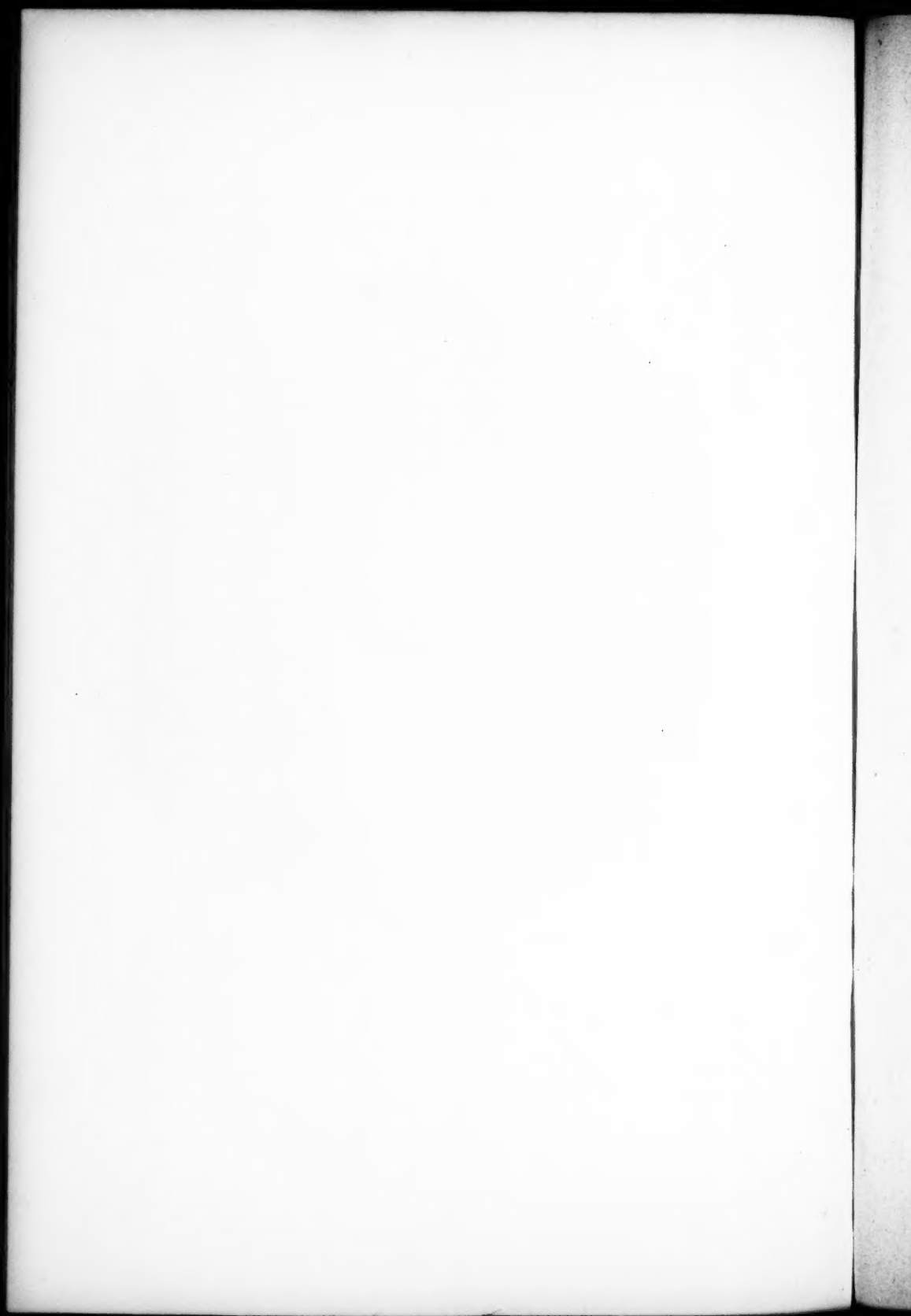
Camden's 'Magna Britannia' gives the name of Alured de Lincoln, as one of the favorite followers of William the Conqueror, to whom, according to 'Domesday Book,' fifty-one manors or lordships were given in Lincolnshire. Their armorial bearings were: Gu, a lion ra, or crest, out of a ducal coronet or a demi-lion, ppr, crowned with an antique crown of the first. Motto—*Non vi sed mente.*

In the biography of Thomas Dudley, first deputy-governor of Massachusetts, we read that Lord Lay recommended Mr. Dudley to Theophilus, the fourth earl of Lincoln, who came to his title January 15, 1619. Dudley became steward of the earl of Lincoln, served with him in that capacity more than ten years, and with so much foresight, sagacity and fidelity as to gain the entire confidence of that nobleman and his family. Mather calls the house of Lincoln, "the best family of any nobleman then in England," and Collins' Peerage informs us that Thomas, the third earl of Lincoln, who was descended from a family that came in with William the Conqueror, had by one wife eight sons and nine daughters.



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*A. Lincoln*



One daughter, Frances, married John, son and heir of Sir Ferdinando Gorges; another, Susan, married John Humphrey; and a third, the Lady Arabella, married Isaac Johnson and came over in the fleet with Dudley and the charter in 1630, so that a close relationship to New England would be acknowledged by the family of Lincoln.

This account of Dudley also informs us that while the *Arabella*, in which the colonists embarked, was riding at anchor in the harbor of Cowes, Mr. Dudley was chosen deputy governor in the place of John Humphrey (husband of Susan, daughter of Thomas, earl of Lincoln), who remained behind.

The account of this first step in this great enterprise by Governor Dudley, contained in his letter of twelfth March, 1631, addressed to the Countess of Lincoln, is the best that has ever been given.

From this it appears that the *Arabella* was thus named in honor of the daughter of Thomas, the earl of Lincoln, who, doubtless, was a powerful friend and patron of the enterprise.

The following extract is taken from Governor Dudley's letter to the Countess of Lincoln :

Touching the plantation which we here have begun, it fell out thus : About the year 1627, some friends being together in Lincolnshire (Dudley lived at Boston, Lincolnshire, at the time of the emigration), fell into some discourse about New England, and planting the gospel there ; and after some deliberation, we imparted our reasons by letters and messages, to some in London and the west country, where it was likewise deliberately thought upon.

The letter gives a detailed account of the embarkation, voyage and settlement.

From this it is learned that the Massachusetts colony originated with Dudley, the steward of the house of Lincoln ; that Boston secured its name from Boston, in Lincolnshire ; that the charter was brought over in the *Arabella*, thus named from the daughter of Earl Lincoln ; that the first official account of this momentous event was made by the first governor of the colony to the Countess of Lincoln ; and that the first deputy governor of the Massachusetts colony was John Humphrey, son-in-law of the Earl of Lincoln, and thereby created a vacancy which was filled by the appointment of Dudley, steward to Thomas, earl of Lincoln.

In 1636 the name of Thomas Lincoln appears in the town records of Hingham, Massachusetts, and the house and lot occupied by him has remained to this day in the possession of his descendants—more than seven generations. This was the father of Benjamin Lincoln, who was the father of Benjamin Lincoln, major-general in the Army of the Revolution.

What the relationship may have been between Thomas, earl of Lincoln, and Thomas Lincoln, the great grandfather of the General Benjamin Lincoln, the writer has not been able definitely to ascertain ; but there is little doubt that Thomas Lincoln, the emigrant, and the projector of the American branch of the Lincoln family, was a scion of the house of Lincoln—not the first born, and therefore doubtless compelled, as has been intimated, to seek fortune and religious liberty both, in the colony founded by the steward of the house of Lincoln.

Sir Matthew Hale said: "The very concurrence and coincidence of so many evidences that contribute to the proofs, carries a great weight."

At any rate, the Massachusetts colony originated in Boston, Lincolnshire, and we believe from that noble source came also the widespread and distinguished Lincoln family of New England.

Timothy Danielson Lincoln was born in Brimfield, Hamden county, Massachusetts, May 11, 1815, and is descended from the ancient and honorable Lincoln family of old and New England. His father, Dr. Asa Lincoln, was an eminent physician, was highly esteemed, held several prominent public positions, and was noted for his enlightened and advanced views. Dr. Lincoln married Sarah, the daughter of Hon. Timothy Danielson, who was chairman of the committee of safety in western Massachusetts, during the Revolutionary War. He was subsequently appointed judge, which he retained till his death—an honorable distinction among his fellow citizens.

General Danielson died when his daughter, Sarah, was twelve years old. The widow, the grandmother of Mr. Lincoln, afterward married General William Eaton, who distinguished himself as a commander of troops against the Algerians, acting in conjunction with Commodore Decatur.

General Eaton was devotedly attached to his little stepdaughter, and spent neither pains nor expense in her education. This gentle mother died when Mr. Lincoln was fourteen years old.

The education of Mr. Lincoln was begun in the schools of his native village, and completed at Wesleyan university, Middletown, Connecticut. He began to study for the profession of law, of which he has been an ornament for so many years, by entering the office of Hon. Charles H. Warren, Bedford, Massachusetts. While preparing himself for the practice of the law, Mr. Lincoln, in common with every other young man in New England, taught school. Upon passing a rigid examination by Judge Williams, Mr. Lincoln started west in the fall of 1841 and located in Cincinnati, where he had neither friends nor acquaintances.

At that time the late Judge Charles Fox had the most extensive practice at the Cincinnati bar. Mr. Lincoln spent one year in the office of Judge Fox—one year being required of non-residents before they could be allowed to practice in the state—at the expiration of which time Mr. Lincoln was admitted to the bar by the supreme court of Ohio. In 1843 Mr. Lincoln became a partner of Judge Fox—as Fox & Lincoln. This continued until 1846 when it was dissolved, after which Mr. Lincoln practiced alone until 1854; meanwhile his business largely increased with a widening reputation. In this year, 1854, the well remembered firm of Lincoln, Smith & Warnock was formed. The firm was afterwards increased by the accession of Mr. Charles H. Stephens (who had grown up in this law-office), the name and style being thereafter (until the death of Captain Warnock), Lincoln, Smith, Warnock & Stephens. Upon the lamented death

of Captain Warnock, which occurred in July, 1872, the firm became Lincoln, Smith & Stephens. In 1878 Mr. Smith was elected judge, whereupon the firm became Lincoln, Stephens & Slatterly. The firm as now constituted is Lincoln, Stephens & Lincoln, the junior member being John Ledyard Lincoln, Mr. Lincoln's son.

Mr. Lincoln attained his high reputation chiefly in the conduct of marine and insurance cases. Among the many incidents of his professional life may be mentioned the fact of being retained as counsel by the St. Louis chamber of commerce, in the Rock Island Bridge case. This celebrated trial for supremacy between the railroad and river interests of the west enlisted much feeling on the part of the people of St. Louis, who favored the river rather than the railroad business, then all-powerful in Chicago. Mr. Norman B. Judd, subsequently minister to Berlin, and Abraham Lincoln, late President of the United States, defended the Rock Island Bridge interest. The success of Mr. Lincoln in this case led to his being engaged in other important causes, among which may be mentioned the Clinton Bridge case.

In the well-known case of *Poor vs. Considine*, which involved the title to one hundred and sixty acres of ground on Price's hill, west of Cincinnati, and on which St. Mary's college stands. Mr. Lincoln was opposed to the late Hon. Thomas Ewing, and at the request of Henry Stanbery, esq., who was his senior counsel, he made the closing argument in the supreme court of the

United States. Mr. Stanbery was then engaged in the impeachment trial of Andrew Johnson, and therefore made the request that Mr. Lincoln should make the closing argument.

In the case of *Barret vs. Williamson*, Mr. Lincoln was opposed by Hon. John J. Crittenden, then attorney-general of the United States; and in the case of the Mississippi and Missouri railroad company, he was opposed by Hon. Reverdy Johnson.

In the notable case of *Mannix vs. Purcell*, relating to the liability of church property under the assignment of Archbishop Purcell, Mr. Lincoln prepared the case on behalf of the congregations and the educational and charitable institutions of the diocese. Perhaps no case ever exceeded this, in this country, as to the important principles, or the amount of property involved.

Thus it will be seen how varied and extensive have been the professional labors of Mr. Lincoln. And they have been commensurately successful. Nor has his field of professional labors been confined to state limits. His reputation as a great and profound lawyer has gone out to other states; few members of the Ohio bar have practiced more extensively in the supreme court of the United States and the court of claims of Washington.

The success of Mr. Lincoln is due first to his natural intellectual endowments, and, second, an extraordinary adaptability for the controversial life of the lawyer. Add to this an inordinate love of the profession, constant study, and indefatigable labor in the prepar-

ation and penetration of his cases, and the secret of his uniform and exceptional success is revealed. Disdaining any attempt at forensic oratory—his very simplicity of expression and earnestness of manner never fail to please, and seldom fail to convince or convict. His style is Lincolnian—a characteristic of the ancient family from which he descended, as marked in the measured utterances of the martyr President, as in the guarded words of the advocate before the supreme court of the nation.

Another element of success must be briefly alluded to in this sketch of Mr. Lincoln—it is his great law library. Mr. Lincoln's law library is known to the profession all over the United States; it is known also in Europe.

Its history may be briefly told. In 1845, after the dissolution of the partnership of Fox & Lincoln, a client consulted Mr. Lincoln upon a question of law. Shortly after the interview Mr. Lincoln became satisfied that he had not advised his client correctly. He sought his client, confessed his error, and offered to return the fee advanced. Thereupon Mr. Lincoln resolved that he would not practice a learned profession without the requisite knowledge or means at hand to acquire it. He immediately purchased a small library, as a nucleus, and has been constantly adding thereto until now it contains more than eight thousand volumes—the result of more than forty years' accumulations of works bearing upon the science of the law. It comprises all the reports of the supreme courts of the United States; of the various circuit and dis-

trict courts of the United States; also of the states and territories; the reports of many of the inferior courts, generally known as superior courts, existing in New York, Cincinnati, Cleveland, Chicago and St. Louis, the Year Books and all the English reports, embracing the law, equity, admiralty, ecclesiastical and probate courts, the privy council and Indian appeal reports and all the Irish reports; quite a number of the leading treatise on civil law, and some of the leading text books on common law; all the Law Times reports as well as the English statutes from *Magna Charta* down to the present day. It is the great library of a great lawyer, in which is concentrated and systematically arranged "the gathered wisdom of a thousand years," touching the learned profession of which Mr. Lincoln has been so long an eminent practitioner. It may be said of him as it was said of another:

—"He lords it o'er  
An ever widening realm of books."

Remembering the ancient heraldic motto of the Lincolns—*Non vi sed mente*—"not by force but by reason," we find in the success of Mr. Lincoln, in the profession he has chosen an extraordinary illustration of the appropriateness of its selection as indicative of a favorite sentiment of the American as well as of the English descendants of the Norman founders of the family.

As a lover of literature in general, Mr. Lincoln has collected a miscellaneous library, comprising more than two thousand volumes, selected partly while in Europe, to which country he has

made several trips during his professional life.

Mr. Lincoln married Miss Mary Clarke, daughter of Major Nathan Clarke of the United States army, a lady of varied accomplishments, eminent for her usefulness in society, of which she is an acknowledged leader. The scholarly attainments of Mrs. Lincoln have enabled her to take the supervision of educating their children to accomplish which she has spent much of her time, in

company with them, in study and travel in foreign lands. Eleven children have been born to them, seven of whom are living. A son, John Ledyard Lincoln, a member of the firm, is a worthy descendant of the Lincolns, giving promise of early becoming distinguished in the profession of which his father has been so long both a master and an ornament.

HENRY DUDLEY TEETOR.

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## THE BENCH AND BAR OF MILWAUKEE.

### I.

SO LONG as French domination prevailed in the country west of Lake Michigan—that is, from 1671 until 1761, a period of ninety years—there was not even a nominal jurisdiction of any French court over this region. If justice was administered at all, it was by military commanders, and only where there were military posts. Even after English sway had, by the treaty of 1763, become fully established, there was not, for a number of years, a change in this regard; although as early as 1766 a small settlement at Green Bay had assumed an aspect of permanency, and by 1783 Prairie du Chien had become a dwelling-place for civilized man.

However, by the Quebec act of 1774, the civil law of Paris and the criminal law of England were extended as far to the westward as the Mississippi; and,

four years subsequent to this, what is now Milwaukee and all the region of the upper lakes were formally included in the district of Hesse, with Detroit as the seat of justice; still, there was only, at the mouth of the Milwaukee river at that date, the vagrant fur-trader, who continued to be, as he had before been, a law unto himself. It was of no account, so far as what is now the state of Wisconsin is concerned, that William Dummer Powell sat as the first judge in Detroit, or indeed that he held court at all. Much less did it signify that, in that town, there were courts of common pleas and quarter sessions; for, as well might they have been held in Paris to execute the French civil law, or in London to bring criminals to justice, expecting their jurisdiction to extend over the region west of Lake Michigan. But the going into effect of Jay's treaty

in 1796, caused the removal of these British courts to the east side of Detroit river; and the jurisdiction of English judges, whether nominal or real, took its final exit from the territory of the great northwest. For the first time the country came under the actual sway of the United States.

It is well known that the whole of Wisconsin formed a part of the territory "northwest of the River Ohio" set apart by the famous ordinance of 1787. Under this fundamental law, a governor and three judges were appointed by the President of the United States and confirmed by the senate. These were made a legislative board and were given judicial powers. A county was set apart called "Wayne." This comprised the whole of what is now northern Ohio, west of Cleveland; all of what constitutes the present state of Indiana, north of a line drawn from Fort Wayne, "west-northerly to the southern part of Lake Michigan"; the entire area of what is now the state of Michigan, except its extreme northwest corner on Lake Superior; a small corner in the northwest part of the present state of Illinois, including Chicago; and so much of what is now the state of Wisconsin as is watered by the streams which flow into Lake Michigan.

Of course, the site of what is now the city of Milwaukee was then in Wayne county, in the western territory, as it was first termed, afterwards called the Northwest Territory. A judicial system became operative under the ordinance creating the territory. It included a supreme court, common pleas, probate

and orphans' courts and quarter sessions. One of the territorial judges held an annual session of the supreme court at Detroit. Still, from the mouth of the Milwaukee river, there were no suitors who invoked the powers of the courts of Wayne county or of the supreme court of the territory.

Upon the erection of Indiana territory, out of the extended area "northwest of the River Ohio," in 1800, the whole of Wisconsin, as now constituted, was included in it, and soon after civil and criminal law began to be enforced in the Green Bay settlement and at Prairie du Chien, by justices of the peace appointed by the governor of the new territory; but the jurisdiction of higher courts, either county or territorial, over the country between Lake Michigan and the Mississippi, was only *said* to be in existence in the statutes of the territory of Indiana; it was not so as a matter of fact.

The state of things we have just described continued until 1809, when congress divided the territory of Indiana so as to form a new one on the west, called Illinois. All except a small fraction of what is now Wisconsin, was thus transferred to the last-mentioned territory. There was now a more direct exercise of jurisdiction in a judicial way, by the government of Illinois territory, over the settlements at Prairie du Chien and Green Bay than hitherto; but the white residents at the mouth of the Milwaukee river, few in number, were not of the class to sue or be sued; they had nothing to do with law.

Upon the admission of Illinois into the Union in 1818, the whole of what is now Wisconsin became a part of Michigan territory, the latter having been created by congress as early as 1805. When, after the ending of the last war with Great Britain, Lewis Cass, as governor, began to change the government and make it more in consonance with American ideas, he did not neglect the territorial judiciary. County courts were established. These courts were generally esteemed. In 1817 a court of quarter sessions was created, composed of the county judges and justices of the peace, and required to look after county business, such as assessing and raising taxes and organizing townships, the latter to be sanctioned by the governor before becoming operative.

In 1818 three counties were erected out of the territory to the northward and westward of Lake Michigan. These were the counties of Michilimackinac, Brown and Crawford. A portion only of the county first named extended into what is now included within the boundaries of Wisconsin, and that was at the north; while the east half of the present state was Brown county, including inside its boundaries the settlement at Green Bay; and the west half was Crawford county, having within its borders Prairie du Chien. The site of the present city of Milwaukee was in Brown county. The people at Green Bay and Prairie du Chien at once began to feel the protection of civil government.

The reason for this was that there were organized in these counties courts

of more extensive powers and of more dignity than those presided over by justices of the peace. These judicial tribunals were the county courts we have mentioned. They were courts of record. As finally constituted by a Michigan territorial law, passed on the twenty-first of December, 1820, each of these was presided over by one chief-justice and two associate justices. In their principal characteristics these tribunals were similar to the present circuit courts of Wisconsin, with this important exception, that they had no jurisdiction in criminal cases where the punishment was capital, nor in civil suits where the sum demanded exceeded one thousand dollars. There were, originally, but two of these county courts in that part of Michigan territory lying west of Lake Michigan: one at Green Bay for Brown county, the other at Prairie du Chien for Crawford county. However, some time after, Iowa county was created out of so much of Crawford as lay south of the Wisconsin river, and a third county court was organized, having its sittings at Mineral Point.

The supreme court of the territory of Michigan was held at Detroit; and this judicial tribunal was the only one having jurisdiction in capital cases, and in civil suits where the amount claimed was over one thousand dollars. The people at Michilimackinac, Green Bay and Prairie du Chien soon felt the inconvenience of being summoned as witnesses to Detroit, and of being compelled to go there in some instances to bring civil suits; besides, the officers of the territorial government discovered

that the trial of criminal cases, where the offenses were committed beyond the peninsula proper, was a heavy expense, so it was thought best to have a new court created by congress to obviate all of these difficulties.

The capital crime committed the nearest of any to the Milwaukee river, which received, at the hands of the court in Detroit, its just reward, was that of the killing of a surgeon in the United States army, stationed at Green Bay—Dr. William S. Madison, near the present Manitowoc, by a Chippewa Indian named Ketaukah, early in 1821. The savage was delivered up by his tribe, tried and convicted. He was hung in Detroit, on the twenty-seventh of December of the year mentioned.

On the thirtieth day of January, 1823, an act was passed by congress, "to take effect and be in force from and after the twentieth day of March" next ensuing, entitled, "an act to provide for the appointment of an additional judge for the Michigan territory, and for other purposes." Under this act a judge was to be appointed who should possess and exercise, within the counties of Michilimackinac, Brown and Crawford, the jurisdiction and power possessed by the supreme court of Michigan territory, and "to the exclusion of the original jurisdiction" of the court last named; but it was provided that the supreme court was to have full power and authority to issue writs of error to the courts established by the act we have just mentioned, in all civil cases, and to hear and determine the same. In all criminal cases, however, the proceedings of

the new court were final. No questions concerning them could be taken to the supreme court.

A United States court for the territory of Michigan, to be held in the counties we have named, was bringing home, as it were, to the people in this region a judicial power to which they could look for the protection and enforcement of their rights, and for redress of their wrongs. The term of office of the judge of this newly-created district was, before the office was filled, limited to four years, the full term to begin on the first day of February, 1824. Every four years the office was to become vacant, when a new judge was to be selected, or the old one re-appointed for another term of like duration.

The President of the United States named, soon after the passage of the act for the appointment of an additional judge, as just described, James Duane Doty, a young lawyer of Detroit, to that office, and the appointment was confirmed by the senate. Doty was born in Salem, Washington county, New York, in 1799, so that, at the date of his being commissioned judge, he was but twenty-four years of age. In 1802, his father Chillus Doty, removed with his family to Martinsburg, Lewis county, New York. The early educational advantages of the young man, though not collegiate, were very good, and were well improved. He finally determined upon the law as a life-pursuit, and removed to Detroit in 1818, where he completed his professional studies and was admitted to the bar. In the spring of 1823, he was married to Sarah C. Collins, the oldest

daughter of General Collins, of New Hartford, Oneida county, New York. Having received the appointment, as already mentioned, of judge of the new judicial district of Michigan, he immediately started, with his wife, up the lakes.

The judicial tribunal which we have described was given no name in the act creating it; but it was called by Judge Doty, the "Circuit Court of the United States"—for each particular county in which it was held. Popularly it was known as "Judge Doty's Court." It had concurrent jurisdiction with the county courts in the counties of Michilimackinac, Brown and Crawford, and soon after Iowa county was formed, in that county likewise; and, in all civil suits, appeals might be taken to it from the courts last named. One term was required to be held in each county yearly: at Prairie du Chien on the second Monday in May; at Green Bay, on the second Monday in June; and at "Mackinac," on the third Monday of July. Judge Doty was required by law to reside in one of the counties of his circuit. He held his first court in the county of Michilimackinac, in July, 1823,\* on his way, really, to Prairie du

Chien, where he proposed to live. At this term, an Indian named Mat-way-go-zhic was tried for the murder of another Indian named Aish-Kaunz.† The persons called as witnesses for the prosecution were all Indians—male and female. The wife of the dead Indian was questioned as to her qualifications to testify in the case. She said she stood in the fear of the Great Spirit. She believed those who are good go to a good place after death, and those who are bad, to a bad place. "If I should tell a lie now before these men [the jury] about this matter, I should be punished hereafter—I should go to the bad place." She was permitted to give her evidence. The next person called was an Indian of the male sex. He did not know whether there was a Great Spirit or not. He had never seen him. He did not know him. He did not know where his (the Indian's) forefathers had gone. He did not see them go anywhere. This "noble red man" was required to stand aside. The father of the dead Indian was now called to the stand. He believed there was a Great Spirit. When he was young, he used to pray to him if in trouble or in want; but now he was old, and he did not think it necessary; if he were still young, it might be different. "I do not know that there is a good or a bad place to which we go after death; I

\* The first term of "Judge Doty's Court" was begun on the twenty-first. On the next day, Rix Robinson and Varnum J. Card were admitted attorneys and counselors of the court—Henry S. Baird having been admitted, it seems, the day previous, although no mention is made of it on Doty's record, which is before me. Joseph Bailey was appointed prosecuting attorney *pro tem*. The first case on the docket was *Card vs. Eaton and Harmon*, on an appeal from the county court. (The dates given above, and those which follow, as to the holding of

special and regular terms, by Judges Doty and Irvin, of their courts, I have taken from "Doty's MS. Record.")

† Baird and Card were assigned by the court as attorneys for Mat-way-go-zhic.

rather think there is neither. I am an old man—many of my friends have died, and if there is any such place, I think I should have heard of it from some of them. No one ever came back to tell me." This Indian was not allowed to testify. Mat-way-way-gozhic was found "not guilty."

Judge Doty held his next court, beginning on the tenth of May, 1824, in Prairie du Chien. This may be said to have been the first *real* court ever held within the limits of what is now the state of Wisconsin. County courts, it is true, had been held both at Prairie du Chien and Green Bay, as already stated; but when Judge Doty, at his first term at the former place, declared in open court that judicial proceedings were entirely new to the inhabitants of Crawford county, he simply affirmed what every one knew was the fact.

Joseph Rolette was one of the associate justices of the county court at Prairie du Chien. He did not look kindly upon the proceedings when appeals were taken from his tribunal to the one presided over by Judge Doty. He was not accustomed to have his decisions gainsaid. He waxed wroth, and cursed the new court. He would rather see a band of Winnebagoes in the building, then used as a court-house, "than such a damned court." The result of all this was that his honor, Judge Rolette, was arrested by the sheriff and brought before the "Circuit Court of the United States for Crawford county"—his honor, Judge Doty, on the bench—to answer for contempt. This cooled the irate associate justice of

Crawford county, Michigan territory; and he declared he had drank, on the day he had spoken the contemptuous words, "one and a half bottles of wine and brandy"—in short, that he was intoxicated. He was fined ten dollars and costs.

The third session of "Judge Doty's court" was the second regular term in Michilimackinac county. The fourth session was a special term at Green Bay, in Brown county, for the trial of criminal cases only—the first one in that county. It commenced on the fourth of October, 1824—the judge and his wife having removed to that place, making it thereafter their permanent home. One of the cases tried at this special term was that of the *United States vs. Artemus Boutwell*, for purchasing clothes from a soldier. The verdict of the jury was "not guilty." Thereupon, the prosecuting attorney moved for a new trial, "because the verdict was against the law, the evidence and the charges of the Court"! Judge Doty overruled the motion, giving his authorities for so doing; but as his charge had been disregarded by the jury, he spitefully added that he was "not fully satisfied that these authorities ought to be adhered to"! This was a very harmless remark to the acquitted prisoner, but an amusing one to the lawyers and to such of his audience as had any knowledge of the fundamental principles of the law. There is no indication upon the records of this special term that any one from the mouth of the Milwaukee river—Indian, fur-trader, or other person—was brought to answer

before Judge Doty for any offense whatever.

It was at a special session of "Judge Doty's court," in Brown county, on the first day of September, 1829, that the celebrated case of the *United States vs. William Piestage*\* came on for trial, on an indictment against the prisoner for assault with intent to kill. The particulars were these: In 1828 a soldier at Green Bay, smarting under punishment more severe than usual, inflicted by the orders of General David E. Twiggs, in command of Fort Howard, determined to take the life of the general. The name of the private was William Piestage. Making his preparations with extraordinary care, Piestage watched his opportunity when Twiggs was asleep in his quarters one afternoon, and, stealthily creeping to his bedside, placed the muzzle of his heavily-loaded musket to his ear and commended his soul to the infernal regions—but the musket missed fire. The snapping of the gun awoke the general, who seized the musket by the muzzle and brained the soldier at a blow, leaving him for dead.

So far it was all right. Doubtless Piestage deserved to die. His skull was smashed by the gunlock, but he lived. The skull of the wounded soldier was trepanned by the surgeon of the garrison, and, while the patient was under his immediate care, his condition

was comparatively comfortable. Scarcely, however, had he commenced to convalesce when Twiggs began a series of cruelties and enormities unparalleled in the annals of vindictive persecution. Before the soldier's reason was entirely regulated, he was severely cowed once every day, either by the hand of the tyrant himself or by his orders and in his presence. He was confined in the dungeon, fed like a beast upon uncooked food, denied any comfort or convenience suitable to man, and worried and exasperated with taunts and curses by the cruel commander.

In the fall of 1828 the troops at Fort Howard were ordered to the portage (now Portage, Columbia county, Wisconsin) to establish a new fort, afterward called Fort Winnebago. Piestage, feeble with famine and brutal chastisement, crippled with chains and laden with burden, was forced to march under guard through one hundred and fifty miles of wilderness. Once, when a pitying soldier relieved his fainting victim of a part of his burden for a while, he was kicked and cursed by the monster for a scoundrel for his impertinent humanity. Arrived at the portage, Piestage was not permitted the coarse comforts of his fellows, but chained to a tree like a beast. In this condition he was kept through a severe winter, without shelter or protection other than one blanket and a bed of slabs which some other soldiers were suffered to build around him. It is said that the villain Twiggs—the coward Twiggs—never passed the lair without bestowing upon his suffering victim

\* I give the name as written by Judge Doty in his MS. 'Record'; but, in an old newspaper publication concerning this case, which is before me, it is printed "Prestige." I have no doubt of the correctness of Doty's spelling of the name.

—nauseous with filth and alive with vermin—a blow or a kick and a curse.

The soldier's time of enlistment expired in the spring of 1829, and the merciless tyrant could no longer retain him for his private persecution and revenge; so his head was shaved and he was drummed out of the service. But the malice of the cruel-hearted coward, Twiggs, did not end there. When he could no longer reach him by his own arbitrary power—by his own schemes of torture—he sent him under guard to the civil authorities at Green Bay, to be surrendered to the Sheriff of Brown county to be tried for the offense for which he had suffered such frightful tortures. He was tried in Judge Doty's court at the time we have already indicated, "convicted of assault with intent to kill, and sentenced to five years solitary confinement." \* Only a short time elapsed, when, upon the facts being made known to President Jackson, he was pardoned and set at liberty.

On the eighteenth of June, 1828, the jurisdiction of the county courts of Michilimackinac, Brown and Crawford, was so restricted as to make them a nullity, for all their powers—"suits, indictments, recognizances, processes, writs, appeals and all other matters and things whatsoever, pending in or returnable to said county courts"—were transferred and made returnable to "Judge Doty's Court." This continued until July 31, 1830, when the jurisdiction of the county courts was restored. On the

second of April previous, the congress of the United States changed the place of holding the court presided over by Judge Doty, upon the division of Crawford county, from Prairie du Chien to Mineral Point, the county seat of Iowa county; but its jurisdiction continued the same "as if said county of Crawford had not been divided."†

Courts were thereafter regularly held by Judge Doty, not only at Green Bay, but at Michilimackinac and Mineral Point in his district, until the expiration of his second term, on the first of February, 1832, when he retired from the bench. Had there been any need for the residents at the mouth of the Milwaukee river claiming the interposition of a court of justice during these years, they could have applied to his court for relief, but there is no evidence extant of any such application, although the site of the present city of Milwaukee was still within Brown county, and of course within the jurisdiction of the tribunal of which we have been speaking.

During the eight years Judge Doty sat on the bench, he discharged his duty promptly and with fidelity; and, it may be added, to the general satisfaction of the people. He held a number of offices subsequently. In 1838, he was elected territorial delegate to congress and reelected in 1840. In 1841 he was appointed governor of Wisconsin territory, holding the office until the sixteenth of September, 1844. He was a

\* From the MS. Record kept by Doty of the proceedings in the case, I copy the precise words of the finding, as above.

† See an account of "Judge Doty's Court," by the writer of this article, in the *Wisconsin State Journal*, of July 13, 1885.

member of the convention which framed the constitution of the state of Wisconsin; was a member of the Thirty-first congress; was, in 1861, appointed superintendent of Indian affairs for Utah and subsequently made governor of that territory, which office he held until his death on the thirteenth of June, 1865.

The successor of Judge Doty, as the additional judge of Michigan territory, was David Irvin. He was appointed by President Jackson for the term of four years from the first day of February, 1832. He was born in Albermarle county, Virginia, about 1794, of Scotch-Irish parents. His father was a Presbyterian minister. Judge Irvin held his first court—a special term—at Green Bay on the second day of July, after his appointment.\* His official term expired on the first day of February, 1836; but as the territory of Wisconsin was about to be formed by action of congress, no successor was appointed. Judge Irvin, while in office, continued to hold court regularly throughout his district. But the records of the sessions of court held by him at Green Bay, as well as those by Judge Doty, show no parties litigant from the mouth of the Milwaukee river—or, as we may now say, from Milwaukee; for there was here, then, quite a settlement of Americans. Brief mention of the subsequent career of Judge Irvin will be given hereafter.

\* The first case on the docket at the special session of the court in Brown county, July 2, 1832, Judge Irvin presiding, was the *United States vs. Patrick Doyle*, indicted for the murder of Lieutenant Foster, in Fort Howard. Doyle was found guilty and hung.

A sketch of "Judge Doty's Court,"† without mentioning some of the prominent attorneys who practiced therein, would be necessarily incomplete. The first to be admitted to that court was Henry S. Baird, born in Dublin, Ireland, on the sixteenth of May, 1800. His father came to America in 1802, with Thomas Addis Emmett and other Irish patriots, and was followed by his wife and children (four in number) four years later. Of these children, Henry was the youngest. One of his brothers, Thomas, became an officer in the United States army and was stationed at Michilimackinac in 1816 and the year following. Henry lived in his father's family until he was eighteen years of age, attending, occasionally, the common English schools. He afterward commenced the study of the law in Pittsburgh, continuing it during the winter of 1818-19, in Steubenville, Ohio. In May, of the year last mentioned, he removed with his father's family to Cleveland. His father becoming embarrassed, Henry was obliged to perform the work of a scrivener as a means of support, employing, however, his leisure moments in the study of the law.

Young Baird, in the spring of 1822, by the advice of a friend, was induced to go to Michilimackinac, where he arrived on the fifth of June. From that time until the following April, he taught school, devoting his leisure time in studying the few law books he carried with him. In 1823, at Judge Doty's

† By this is meant, of course, not only the tribunal presided over by Judge Doty, but its continuation, with Judge Irvin on the bench.

first court, he was admitted to the bar. He was married to Miss Elizabeth T. Fisher on the twelfth day of August, 1824, and during the next month removed with his wife to Green Bay. Here he continued to reside, having entered at once upon the practice of his profession, which soon became extensive and lucrative. He died there on the thirtieth of April, 1875. During his life time he held a number of offices under the territorial government of Wisconsin and numerous local ones. As a lawyer, he was able, faithful, upright, active, painstaking and successful.

Another attorney of "Judge Doty's Court" was James H. Lockwood, who was the earliest permanent resident in what is now the state of Wisconsin admitted to the bar and engaged in the practice of the law. He was a resident of Prairie du Chien. He was born in Peru, Clinton county, New York, on the seventh of December, 1793. He lived with his father there and at other places in the vicinity, and worked on a farm until he was sixteen years old, his only educational advantages being the common schools, which he attended alternately with his work on his father's farm until he was seventeen years of age, when he commenced the study of the law. He did not pursue his law-studies very long before he concluded he would "never make a great lawyer," and abandoned them as he supposed forever and sought and obtained a situation as a merchant's clerk. His employer was a sutler in the army, and, as a result of that employment,

young Lockwood went, immediately after the War of 1812-15, up the lakes to Michilimackinac, where he taught school during the winter of 1815-16. The next year he visited Green Bay with the first American troops that went there to establish a garrison, and he became engaged in the Indian trade. In September, 1816, he arrived at Prairie du Chien—but still trading with the Indians, he did not make that place his permanent residence until the fall of 1819.

During the winter of 1823-4 he resumed the study of the law under Judge Doty, who, it will be remembered, spent that winter in Prairie du Chien, also the following spring, holding his first regular term there in May, 1824, at which time Lockwood was admitted as an attorney. At that date there was no other lawyer in either Crawford or Brown counties. He was appointed prosecuting attorney and attended courts not only in Crawford county but also in Brown and Michilimackinac. He died in Prairie du Chien on the twenty-fourth of August, 1857, having continued for many years to practice law in connection with his mercantile pursuits. He enjoyed at his death the friendship and esteem of his large circle of acquaintances.

A third lawyer of note in pioneer days, who practiced in the court of which Doty was judge, was Thomas P. Burnett. He was born in Pittsylvania county, Virginia, on the third of September, 1800. His father moved to Kentucky when he was a child, where Thomas, after receiving an education, such as was afforded by the common

schools and an academy in the neighborhood, entered upon the study of the law; he also taught school. After being admitted to the bar, he settled in Paris, Bourbon county, where he commenced his practice and continued it until his removal west, during which time he filled the office of district attorney for two years.

In 1830, having been appointed sub-Indian agent at Prairie du Chien, he removed to that place, where he practiced law when the duties of his office did not require his attention. He at once attained distinction in the various courts of the counties to the westward of Lake Michigan, in what was then Michigan territory, he having been, in January, 1835, appointed prosecuting attorney for the counties of Crawford, Iowa, Dubuque and Des Moines, which office he resigned in the following September. He subsequently held many offices of importance in Wisconsin territory. He removed to Grant county in 1837, having in the year previous married Miss Lucia M. Bronson. He died the fifth of November, 1846.

Morgan L. Martin must not be passed by without mention as one of the early lawyers of Wisconsin who practiced in "Judge Doty's Court." He was born in Martinsburg, Lewis county, New York, on the thirty-first day of March, 1805; so that he is now almost eighty-two years of age. He is the son of Walter Martin and Sarah Turner Martin. His native place was named in honor of his father, who was owner of the tract of land on which the town now stands. Morgan graduated at Ham-

ilton college in 1824, and later spent two and a half years in the study of the law at Lowville, in his native county. At the expiration of this time, he removed to Detroit and there completed his studies and was admitted to the bar in 1827. He then removed to Green Bay and began the practice of his profession, attending courts in the three counties of Michilimackinac, Brown and Crawford. He soon built up a remunerative practice, continuing in his profession for twenty-five years. He is still a resident of Green Bay.

It is proper here to state that, from the first organization of the county court of Brown (soon after the erection of that county) until Milwaukee county was organized, that judicial tribunal (except when, from June, 1827, to July, 1830, it was deprived of any powers) had jurisdiction over the Milwaukee country, but there were no suitors in that court from that region.

The settlement at the mouth of Milwaukee river, early in the year 1835, was of sufficient importance, as it seemed to some of the principal citizens of Brown county, to demand that at least one justice of the peace be appointed for that place; so one of the residents there was named to the governor of Michigan territory as a proper person upon whom to bestow that office—the lowest in the scale of judicial tribunals. That person was Albert Fowler. His commission was in these words:

Stevens T. Mason, secretary and at present acting-governor in, and over the territory of Michigan—  
*To all to whom these presents may come, greeting:*

Know ye, that, reposing special trust and confidence in the integrity and ability of Albert Fowler, I

have nominated, and by and with the advice and consent of the legislative council of the said territory, have appointed him a justice of the peace in and for the county of Brown [Milwaukee county not having then been erected].

And I do hereby authorizing and empower him to execute and fulfill the duties of that office according to law: To have and to hold the said office with all the rights and privileges and emoluments thereunto belonging, during the pleasure of the governor of said territory, for the time being.

In testimony whereof, I have caused these letters to be made patent and the great seal of the said territory to be hereunto affixed,

Given under my hand, at Detroit, this thirtieth day of March, in the year of our Lord one thousand eight hundred and thirty-five, and of the independence of the United States of America, the fifty-ninth

By the governor :

STEVENS T. MASON.

Secretary of Michigan territory and at present acting-governor.\*

Mr. Fowler came to Milwaukee from Chicago in November, 1833, in company with three others—R. J. Currier, Andrew Lansing and Quartus G. Carley—reaching the mouth of the river on the eigh-

\* The 'Illustrated History of Milwaukee,' of 1881, speaks (p. 646) of this commission as being "the first paper of the kind issued outside of Brown and Crawford counties." This is error. The words of Mr. Fowler himself are equally erroneous. He says: "My commission as justice of the peace is the oldest in Wisconsin outside of Brown and Crawford counties;" when, at the very time of its being issued, he was (although living at Milwaukee) a resident of Brown county. Besides, Iowa county was organized some time before, and commissions to justices therein had been issued "outside of Brown and Crawford counties," antedating, of course, this one to Mr. Fowler, not to say anything of the commissions issued to the chief-justice and his two associates in that county, which officers constituted its county court.

teenth. "After our arrival in Milwaukee," says Mr. Fowler, "my three companions and myself took possession of an old log cabin, where we lived during the winter of 1833-34, doing our own cooking, amusing ourselves as best we could, there being no other white men in the place during that winter, except Solomon Juneau." "In the spring of 1834," continues Mr. Fowler, "my companions went up the river to the school section and made a claim, upon which they afterwards built a mill, and I went into Mr. Juneau's family to live." We can only add, in this connection, that Mr. Fowler remained in Milwaukee until 1853, when he removed to Rockford, Illinois.

Of course Esquire Fowler could not, upon the receipt of his commission, qualify for his office, as there was no one where he lived to administer the necessary oath, so he was compelled to go to Green Bay for that purpose. There was then, upon his return and upon his entering upon the duties of his office, a "bench" in Milwaukee—one of exceedingly small pretensions, it is true, and of limited powers, though of extensive jurisdiction—coextensive, indeed, with the whole of Brown county, which included a large portion of the east half of the present state of Wisconsin; but, as yet, a "bar" was wholly wanting.

CONSUL WILLSHIRE BUTTERFIELD.

[To be Continued.]





*R. L. Howard.*

*Engd. by H. & S. Holt & Sons, New York.*

## BUFFALO.

RUFUS L. HOWARD.

THE manufactures and manufacturing interests of Buffalo are varied and of great importance, adding to its wealth and engaging the thought and capital of some of its most distinguished citizens. Among the leading manufacturers is the subject of this sketch. It may be well to remark here that it is not alone as a business man, engaged in the useful and substantial enterprise in which he holds commanding place, that he is well known, but he is equally prominent in many other walks of life. He is appreciated and valued for his intelligence, culture, refinement, generosity, large-hearted and open-handed liberality, for his progressive ideas and deep and warm interest in whatever may relate to, or have influence and bearing on, the welfare and prosperity of Buffalo. He is, withal, gentlemanly, courteous, possessing affability of demeanor, Christian integrity and character, and seems to lack none of the qualities or elements which enter into and go to make up the worthy, trusted, respected citizen.

He was born in Litchfield, Herkimer county, New York, October 30, 1818, where his father's family early settled, having come from New Hampshire. The time up to fifteen years of age was passed at the home of his birth in much

the same way as was usual in the lives of the majority of the boys in those days—going to school as he could be spared to do so, and rendering such assistance to his father as he was able to do. It may be thought that his education was not very extensive, but his time at school was well employed and improved and he also received some private instruction. But, although his advantages and opportunities in this direction were necessarily somewhat limited, his education is by no means inconsiderable. This is apparent when one sits down and enters into conversation with him, and the listener is also impressed with the extent of the fund or source of information from which he draws as occasion may present or require. He is an easy, intelligent and instructive conversationalist, well-informed as to matters of general and public interest; keeps right along abreast with the times and one's estimate and appreciation of the man are heightened as his acquaintance with him extends.

At the age of fifteen he engaged as clerk in a country store in Schuyler, Herkimer county, where he remained eight months, and this was his principal occupation for the next few years up to 1839, when he came to Buffalo, there entering as clerk in the store of H. C.

Atwater & Company, a prominent house engaged in the ship chandlery business, at a salary of two hundred dollars a year. Here his faithfulness to all trusts and duties soon elevated him to the position of head clerk, and, in 1841, two years after connecting himself with the house, so useful and valuable had his services become, and so marked his business capacity, that he was offered a one-fourth interest in the establishment, to be paid for at his own convenience.

In 1850 he bought the interest of Mr. Williams, one of the firm, and the firm then became Howard, Newman & Co., thus giving him the controlling interest. In 1853 he sold his interest to Captain Asa Hart to engage in the manufacture of the Ketchum mowing machine. At this point in his life he entered upon a career in the manufacturing industries of Buffalo which has been greatly honorable and successful for a third of a century. This step, the giving up of all other business interests and investing and enlisting of one's capital and time in the manufacture of an article which, up to this period and after repeated experiments, had proved only a failure, was considered, and was in reality, a bold move. But Mr. Howard not only had confidence in the value and importance of the principles upon which the machine was constructed, but in the machine itself, if a few changes should be made. He therefore purchased from Mr. Ketchum the latter's interest in the patent, about one half of the United States, except the state of New Jersey, and immediately commenced making the improvements he

had contemplated. The result was a quick and complete success, illustrating in ample manner his characteristic energy and practical mind.

It is probable that there are at the present time more than two hundred thousand machines made annually, in every one of which are used the patents of Mr. Ketchum or the improvements made by Mr. Howard, and it is not likely that there will ever be a mowing machine manufactured that will not combine these patents and improvements. The time for which these patents were issued having expired, they are public property.

When Mr. Howard bought out Mr. Ketchum, so completely in its infancy was the mowing machine business that he employed only three men and used a simple portable engine. But in 1859 the market had reached such growth, and become of such importance that the *Daily Commercial Advertiser* of that city said of them :

Among the leading factories of the country for the production of agricultural implements, that of Mr. R. L. Howard takes a prominent position, both on account of its extent and the quality and reputation of the apparatus constructed. The establishment occupies an area of one hundred by two hundred and sixty feet on the corner of Chicago street and the Hamburg street canal, the latter conferring excellent facilities for the reception of materials and shipment of manufactured stock. This site has been occupied by the works since 1853, though their existence dates since 1850. Since their establishment, about eighteen thousand of Ketchum's mowers and reapers have been constructed in Buffalo, but those machines are scattered over the entire northern continent. Only a day or two ago twenty-two were sent to Galveston, Texas, and these distant orders are not exceptional, but frequent. The buildings occupied are two handsome brick structures, four stories in height ; one forty by sixty feet, which is to be ex-

tended the coming summer fifty-two feet in depth, containing the machine shops, wood work shops, finishing and paint shops, with all the appliances and appointments for the business. In its rear are the lathe room, where the iron parts are turned, drilled and bored; the engine room, where a powerful steam engine sends the motive power throughout the entire premises; the blacksmith shop, where the wrought iron is worked up, containing a ponderous machine that cuts a two inch iron bar as if it were of the substance of cheese—the whole running back two hundred and sixty feet. The other brick building is forty by one hundred feet, and contains the offices and storage for completed machines which throng all the available space from basement to attic. The works are a model in their management and completeness in every particular.

We have thus mentioned the buildings and their location, as it is the same site as that now (1887) occupied by Mr. Howard in his present business. At the time spoken of Mr. Howard was also manufacturing "Sanford's Reciprocating Portable Farm and Plantation Mill"—and the paper above referred to mentions it as "a new invention for grinding feed for stock and all kinds of grain for family use, and by simply changing the plates will grind drugs, paints, printer's inks, etc."

In 1866, a writer on "The Manufacturing Interests of Buffalo" says:

Buffalo genius produced the first mowing machine that ever successfully cut grass in the world. Mr. W. F. Ketchum labored long and hard, meeting with one obstacle after another, and in despair almost gave up the project of attempting to cut grass by machinery, until, at length, R. L. Howard, seeing that the principle involved in the Ketchum machine was correct, engaged in the enterprise and put capital in the undertaking, and finally succeeded in perfecting one of the most important instruments ever discovered for this purpose. For a time the machines were constructed in different shops, one piece of work being done at one place and another at another, till at length, in 1850, Mr. Howard erected the establish-

ment on the corner of Chicago street and the Hamburg canal, where are now located the most comprehensive works in the United States for this class of manufacturing. In these works every department is complete and systematically arranged for the rapid construction of these machines, as well as the Ketchum mower and reaper combined.

These machines took many first premiums, notably may be mentioned in the states of New York, Pennsylvania, Ohio, Michigan, Delaware and Maryland state fairs, American Institute, World's Fair, New York, and the six hundred dollar premium in Massachusetts. The works of Mr. Howard have from time to time, been enlarged to enable him to keep pace with the demand which comes from almost the whole habitable part of the globe."

This mention of these early enterprises of Mr. Howard has been made that the reader may see that the wisdom, business ability and judgment of this young man were of a high order, and that back of all was a perseverance and energy that only laughed at obstacles. It is also of additional interest to observe that the machinery and all appointments of the industry were of the very best, and that the very best of order, management and system were maintained; there was, too, an atmosphere of neatness and cleanliness about the works, which has prevailed to the present time.

It is also worthy of remark in this connection that Mr. Howard, in the progress of his manufacture, subsequently bought back from Mr. Ketchum the latter's interest in the state of New Jersey, at a price as large as was originally paid for the entire interest in all the

other states. As the patents expired he turned his attention to the manufacture of general machinery and foundry work, the whole finally culminating in the large and well-known "Howard Iron Works," which now employs something over three hundred men and turns out three hundred thousand to three hundred and fifty thousand dollars worth of work annually.

At the present time he is largely engaged in the manufacture of elevators, not only for freight and passengers, but for handling grain. Six of the largest elevators in Chicago, for such purposes, were put in by the Howard Iron works, as well as several in Buffalo, for which there is an extensive and increasing demand. In short, the Howard Iron Works are known for the good character of their work the country over. Of course, Mr. Howard's success in business is largely attributable to his excellent judgment, perseverance and energy, but there is likewise another factor that has aided greatly in this direction—the desire to meet the wants of the public. If a man comes to Mr. Howard needing in his business a certain article, he has always seemed to feel and to exhibit an interest in that man's business to the extent of furnishing him with the necessary apparatus and appliances to carry it on, thus getting a hold on the affections of those with whom he has come in contact. He is a man of pleasant, though commanding appearance, somewhat soldierly in bearing, and impresses one favorably at first sight. It is said of him that "he always had a decided taste for military

life, and was appointed aid on the staff of the major-general commanding the Eighth division, N. Y. S. N. G., with rank of major. He was soon promoted to chief of staff with rank of colonel. In 1865 he was appointed major-general of the division by Governor Fenton, which honor he felt impelled to decline, but upon urgent solicitation, both civic and military, he accepted, and his appointment was at once confirmed by the senate. The Eighth division then consisted of two brigades and five regiments. General Howard at once appointed his staff and began to reorganize and instill new life into a very demoralized body. He procured an appropriation through the board of supervisors of thirty-two thousand dollars for the construction of an armory; he bought the lot and supervised the erection of a building one hundred by two hundred feet in dimensions. With others he organized and constructed a rifle range on the lake shore, and was its president until he resigned his position of division-commander in 1878.

For many years he has been regarded and pointed out as one of Buffalo's most liberal and public-spirited citizens. There is hardly a worthy object of or within the city that has not received from him lively sympathy and hearty support. Chief among the worthy institutions that has laid close to his heart is the "Young Men's Association." This is one of the city's early societies, having been organized in 1836, when Buffalo had a population of but sixteen thousand. To purchase property which it has occupied many years, of the hun-

dreds who subscribed liberally to that end, no man of Buffalo gave more than he did, and only eight gave as much. Of this society Mr. Howard became a life member in 1857, and has been one of its officers from the first, and later its president. The objects and aims of institutions of this kind are such as appeal to the strong nature and intelligence of such men as Mr. Howard. Its purpose and design may be learned from the *Commercial Advertiser* of February 20, 1836, which made the following announcement: "The young men of Buffalo friendly to the formation of a 'Young Men's Association' for mutual improvement in literature and science, are requested to meet at the court-house on Monday, the twenty-second of February, at the hour of 7 P. M." Associated with Mr. Howard in the active management of this association appear such names as Millard Fillmore, William Ketchum, D. Tillinghast, Dr. Burwell, Judge Hall and many others of local and national repute. It had its origin in "the necessity which existed of offering to the young men of the city some sensible and salutary amusement." Certainly nothing more worthy and commendable could engage the heart and means of the people of any city. Among other enterprises and associations with which Mr. Howard has been and is still closely connected, may be mentioned "White's Bank," in which he was, as early as 1854, the year after its organization, a director, and afterwards vice-president, which position he now holds; trustee of the general hospital, to which he gave much atten-

tion. He was also one of the organizers of the Buffalo club, of which he was an officer with President Fillmore. He helped organize the district telegraph system in Buffalo. Always foremost in matters of public importance, interest and utility, he has always given liberally, though unostentatiously, to benevolencies and charities. He has steadfastly and persistently remained elevated above, and removed from politics, although often urged to high positions within the gift of his fellow citizens. He is also a communicant and officer of Trinity church, which body holds him in high esteem and appreciates his valuable services in its behalf. He married, September 27, Miss Maria L. Field, daughter of John C. Field. He has no children living, the entire family of children, six in number, having been taken away by death. One child, a son, Gibson F., reached mature years and was associated with his father in business. He was a young man of great promise and of superior business ability. He was likewise a member and officer of the Young Men's association.

Mr. Howard's parents were Rufus and Nancy Hungerford Howard, both of strong, sturdy New England origin and character. Mr. Howard is now nearly sixty-nine years old, but in his erect carriage, keen eye, and elastic step, looks but little more than sixty. Like the machinery which he early manufactured, he is made of "good stuff," and as a machine manufactured by him in 1863 is yet in use and can follow and cut to-day better than many of the modern ones, so Mr. Howard, in advancing

years, retains his vigor, power and usefulness in a degree greater than many a young man. He gives personal attention to his business and goes through

the works every day, where his presence seems a continual benefit and a constant benediction.

D. W. MANCHESTER.

### REPRINTS.

#### PENNSYLVANIA TWO HUNDRED YEARS AGO.

[From Morden's "Geography Rectified," 1688.]

For the Province, the general Condition of it take as followeth:

I. The country itself in its Soil, Air, Water, Seasons, and produce, both Natural and Artificial, is not to be despised. The Land containeth divers sorts of Earth. God in his Wisdom having ordered it so, that the advantages of the Country are divided.

II. The Air is sweet and clear, the Heavens serene, like the south parts of France, rarely overcast; and as the Woods come by numbers of people to be more cleared, that itself will refine.

III. The Waters are generally good, for the Rivers and Brooks have mostly Gravel and Stony Bottoms, and in number hardly credible. We have also Mineral Waters, that operate in the same manner with *Barnet* and *North-hall*, not two miles from *Philadelphia*.

IV. For the Seasons of the Year. First, Of the Fall, I found it from the 24th of *October*, to the beginning of *December*, as we have it usually in *England* in *September*, or rather like an English mild spring. From *December* to the beginning of the Month called *March*, we had sharp Weather; not foul, thick black Weather, as our North East Winds bring with them in *England*; but a Skie as clear as in Summer and the Air dry, cold, piercing and hungry. The reason for this cold is given from the great Lakes that are fed by the Fountains of *Canada*. The Winter before was as mild, scarce any Ice at all; while this for a few days Froze up our great River *Delaware*. From that Month to

the Month called *June*, we enjoyed a sweet Spring, no Gusts, but gentle showers, and a fine Skie. From thence to this present Month, which endeth Summer (commonly speaking) we have had extraordinary Heats, yet mitigated sometimes by cool Breezes. And whatever Mists, Fogs, or Vapors foul [there are in] the Heavens by Easterly or Southerly Winds, in two hours' time are blown away by the North West; the one is always followed by the other: A Remedy that seems to have peculiar Providence in it to the Inhabitants.

V. The Natural produce of the Country, of Vegetables, is Trees, Fruits, Plants, Flowers. The Trees of most note are, the Black-Walnut, Cedar, Cyprus, Chestnut, Poplar, Gumwood, Hickory, Sassafrax, Ash, Beech and Oak of divers sorts, as Red, White and Black; *Spanish* Chestnut and Swamp, the most durable, of all which there is plenty for the use of Man.

The Fruits that I find in the Woods are White and Black Mulberry, Chestnut, Walnut, Plums, Strawberries, Cranberries, Hurtleberries, and Grapes of diverse sorts. The great red Grape is in itself an extraordinary Grape, and by Art doubtless may be cultivated to an excellent Wine, if not so sweet, yet little inferior to the *Frontiniack*, as it is not much unlike in taste. There is a white kind of Muskedel, and a little black Grape, like the Cluster Grape of *England*, not yet so ripe as the other; but they tell me, when ripe, sweeter, and that they only want skilful *Vinerons* to make good use of them. Here are also Peaches, and very good, and in great quantities, not an *Indian* Plantation without them; but whether naturally here at first, I know not, however, one may have them by

Bushels for little,—they make a pleasant Drink, and I think not inferior to any Peach you have in *England*, except the true *Newington*.

VI. The Artificial produce of the country, is Wheat, Barley, Oats, Rye, Pease, Beans, Squashes, Pumpkins, Water-Melons, Musk-Melons and all Herbs and Roots that our Gardens in *England* usually bring forth.

VII. Of living creatures; Fish, Fowl, and the Beasts of the Woods here are divers sorts, some for Food and Profit, and some for Profit only.

VIII. We have no want of horses, and some are very good and shapely enough; two ships have been freighted to *Barbadoes* with Horses and Pipe-staves, since my coming in. Here is also plenty of Cow-Cattel, and some Sheep; the people plow mostly with Oxen.

IX. There are divers Plants, that not only the *Indians* tell us, but we have had occasion to prove by Swellings, Burnings, Cuts, &c., that they are of great Virtue, suddenly curing the Patient: And for smell, I have observed several, especially one, the wild Mirtle; the others I know not what to call, but are most fragrant.

X. The Woods are adorned with lovely Flowers, for Colour, Greatness, Figure and Variety. I have seen the Gardens of *London* best stored with that sort of Beauty, but think they may be improved by our Woods.

XI. The first Planters in these parts were the *Dutch*, and soon after them the *Sweeds* and *Finns*. The *Dutch* applied themselves to Traffick, the *Sweeds* and *Finns* to Husbandry.

XII. The *Dutch* inhabit mostly those parts of the Province that lie upon or near to the Bay, and the *Sweeds* the Freshes of the River *Delaware*. As they are People proper and strong of Body, so they have fine Children, and almost every House full; rare to find one of them without three or four Boys, and as many Girls; some six, seven and eight sons: And I must do that right, I see few young men more sober and laborious.

XIII. The *Dutch* have a Meeting-place for Religious Worship at *New Castle*; and the *Sweeds* three, one at *Christiana*, one at *Tene-*

*cum*, and one at *Wioco*, within half a mile of this town.

XIV. The Country lieth bounded on the East, by the River and Bay of *Delaware*, and Eastern Sea; it hath the advantage of many Creeks or Rivers rather, that run into the main River or Bay; some Navigable for great Ships, some for small Craft: Those of most promi- nency are *Christiana*, *Brandywine*, *Skillpot*, and *Skulkill*, any one of which have room to lay up the Royal Navy of *England*, there being from four to eight Fathom of Water.

XV. The lesser Creeks or Rivers, yet convenient for Sloops and Ketches of good bur- then, are *Lewis*, *Mespilion*, *Cedar*, *Dover*, *Cran- brook*, *Feversham*, and *Georges* below, and *Chi- chester*, *Chester*, *Toacawany*, *Pennapecka*, *Port- quessin*, *Neshimeneck*, and *Pennberry* in the Freshes; many lesser that admit boats and shallops. Our People are mostly settled upon the upper Rivers, which are pleasant and sweet, and generally bounded with good Land. The planted part of the Province and Territories is cast into six Counties, *Philadelphia*, *Bucking- ham*, *Chester*, *New Castle*, *Kent*, and *Sussex*, containing about four thousand souls. Two General Assemblies have been held, and with such Concord and Dispatch, that they sate but three Weeks, and at least Seventy Laws were passed without one Dissent in any Material thing. And for the well Government of the said Counties, Courts of Justice are established in every County, with proper Officers, as Jus- tices, Sheriffs, Clerks, Constables, &c., which Courts are held every two Months: But to pre- vent Law Suits, there are three Peace-makers chosen bp each County-Court, in the nature of Common Arbitrators, to hear differences be- twixt Man and Man; and Spring and Fall there is an Orphans Court in each County to inspect and regulate the Affairs of Orphans and Widows.

XVI. *Philadelphia*, the expectation of those that are concerned in this Province, is at last laid out to the great content of those here, that are in any ways interested therein: The situa- tion is a Neck of Land, and lieth between two

Navigable Rivers, *Delaware* and *Skulhill*, whereby it hath two Fronts upon the Water, each a Mile, and two from River to River. *Delaware* is a glorious River, but the *Skulhill* being an hundred Miles Boatable above the Falls, and its Course North-East toward the Fountain of *Susquehannah* (that tends to the heart of the Province, and both sides our own) it is like to be a great part of the settlement of this Age. But this I shall say for the good Providence of God, that of all the many places I have seen in the World, I remember not one better seated; so that it seems to me to have been appointed for a Town, whether we regard the Rivers, or conveniency of the Coves, Docks, Springs, the loftiness and soundness of the Land and Air, held by the People of these parts to be very good.

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JAMES BIRD.

Sons of freedom listen to me,  
And ye daughters, too, give ear,  
You a sad and mournful story,  
As was ever told shall hear.

Hull, you know, his troops surrendered  
And defenseless left the west,  
Quickly then our troops assembled  
The invader to resist.

Tender were the scenes of parting,  
Mothers wrung their hands and cried;  
Maidens wept their swains in secret,  
Fathers strove their hearts to hide.

Among the troops that marched to Erie  
Were the Kingston volunteers;  
Captain Thomas then commanded  
To protect our west frontiers.

But there's one among the number,  
Tall and graceful in his mein;  
Firm his step, his look undaunted,  
Scarce a nobler youth was seen.

Mary tried to say, "Farewell, James,"  
Waved her hand, but nothing spoke,  
"Farewell Bird, may Heaven protect you,"  
From the rest at parting broke.

One sweet kiss he snatched from Mary,  
Craved his mother's prayer once more,  
Pressed his father's hand and left them  
For Lake Erie's distant shore.

Soon he came where noble Perry  
Had assembled all his fleet;  
Here the gallant Bird enlisted,  
Hoping soon the foe to meet.

Where is Bird? The battle rages.  
Is he in the strife or no?  
Is his step yet firm and manly?  
Dare he meet the hostile foe?

Ah! behold him, see him, Perry,  
In the self-same ship they fight;  
Though his messmates fall around him  
Nothing can his soul affright.

But behold! a ball has struck him;  
See the crimson current flow,  
"Leave the deck," exclaimed brave Perry;  
"No," cried Bird, "I will not go."

"Here on deck I took my station,  
Ne'er will Bird his colors fly,  
I'll stand you gallant captain  
Till we conquer or we die,"

There he fought though faint and bleeding,  
Till our stars and stripes arose,  
Victory having crowned our efforts  
All triumphant o'er our foes.

And did Bird receive a pension?  
Was he to his friends restored?  
No; nor never to his bosom  
Clasped the maid his heart adored.

But there came most dismal tidings  
From Lake Erie's distant shore,  
Better that if Bird had perished  
Midst the battle's awful roar.

"Dearest parents," said the letter:  
"This will bring sad news to you;  
Do not mourn your first beloved  
Though this brings his last adieu."

"I must suffer for deserting  
From the brig *Niagara*,  
Read the letter, brothers, sisters,  
'Tis the last you'll have from me."

Sad and gloomy was the morning  
Bird was ordered out to die ;  
Where's the breast not dead to pity,  
But for him would heave a sigh ?

See him march and bear his fetters ;  
Harsh the clank upon his ear ;  
But his step is firm and manly  
For his breast ne'er harbored fear.

Though he fought so brave at Erie,  
Freely bled and nobly dared ;  
Let his courage plead for mercy,  
Let his precious life be spared.

See he kneels upon his coffin,  
Sure his death can do no good ;  
Spare him. Hark ! O ! God they've shot him !  
See his bosom streams with blood.

Farewell, Bird ! Farewell forever,  
Friends and home he'll see no more ;  
Now his mangled corpse lies buried  
On Lake Erie's distant shore.

—*Lancaster (Pa.) Intelligencer.*

THE FIRST PRAYER IN CONGRESS.

The first prayer offered in congress was by Rev. Jacob Duche, an Episcopal clergyman, on the seventh of September, 1774, as follows :

O Lord, our Heavenly Father, high and mighty King of Kings—Lord of Lords ; who dost from thy Throne behold all Dwellers upon Earth & reignest with Power Supreme and Uncontrol'd over all Kingdoms, Empires & Governments, Look down in Mercy, we Beseech thee, upon these American States, who have

fled to thee from the Rod of the Oppressor & thrown themselves upon thy Gracious protection, desiring to be henceforth Dependent only upon thee. To thee have they appealed for the Righteousness of their Cause. To thee do they now look up for That Countenance and Support which thou alone canst give. Take them, therefore, Heavenly Father, under thy nurturing Care. Give them wisdom in Council, and Valour in the Field,—Defeat the Malicious Designs of our cruel adversaries—Convince them of the unrighteousness of their Cause, and if they Still Persist in Sanguinary purposes, O let the voice of thine own unerring Justice sounding in their Hearts Constrain them to drop the weapons of War from their unnerved hands in the Day of Battle. Be thou present, O God of Wisdom, & Direct the Councils of this Hon. Assembly. Enable them to settle Things—upon the best & surest foundation,—that the Scene of blood may Speedily be Closed, That —Order, Harmony & Peace may Effectually be restored & Truth & Justice, Religion and Piety Prevail & Flourish amongst thy People. Preserve the Health of their Bodies & the Vigour of their Minds,—Shower down upon them & the Millions they here represent Such Temporal Blessings as Thou Seest Expedient for them in this World & Crown them with Everlasting Glory in the World to Come.

All This we ask in the name and through the merits of Jesus Christ, thy Son, our Saviour.  
—Amen.

## EDITORIAL.

THE first American library was that of Harvard college, which was founded in 1638, and it was about fourteen years after this that Hezekiah Usher, the first bookseller in the United States, opened his bookstore in Boston. From 1775 to 1800, thirty libraries were established in this country. In the next twenty-five years, 129 were established, and in the next twenty-five, 551. From 1850 to 1875, 2,481 libraries were established, and now there is scarcely a house in the country which has not its collection of books, nor a town which has not its public library.

THE State Historical Society of Wisconsin was originally organized in October, 1846, with A. Hyatt Smith as president, and Thomas W. Sutherland as secretary. In January, 1849, there was a reorganization, with Governor Nelson Dewey as president, a list of vice-presidents covering all the counties of the state, and I. A. Lapham as corresponding secretary. But for various reasons the society did not prosper during its early years, and a second reorganization was effected under an act of legislature approved March, 1853. This charter the society still works under, and since the annual meeting on the first Thursday in January, 1854, the growth of its influence and importance has been steady and rapid, thanks to the efforts of Lyman C. Draper, late corresponding secretary, and to Daniel S. Durrie, its librarian.

PROFESSOR E. L. YOUMANS, the well known writer and lecturer on scientific subjects, died January 18, in New York. He was born in Coeymans, New York, June 3, 1821. At the age of thirteen he suffered from ophthalmia, the effects of which made him blind for two years, and ever afterward his sight was defective. Professor Youmans pursued a course of medical

study and received a medical degree from the University of Vermont at Burlington. He never practiced as a physician, however, and he achieved his fame as a writer on scientific subjects, bringing into popular favor to a larger extent than any other American the theories and teachings of Darwin, Spencer and the other exponents of the school of evolution. He acquired his title of professor by accepting the chair of chemistry at Antioch college in 1866. For nearly forty years Professor Youmans has held intimate relations with D. H. Appleton & Co., the publishing house. William H. Appleton was first attracted to him by his visit, in company with his sister, to the old store in lower Broadway, New York city, in search of scientific books for his own use. In 1872, he established *The Popular Science Monthly*, which proved a powerful agent in spreading evolutionary views. He was a warm personal friend of Herbert Spencer, and is credited with being far more instrumental than any other man in introducing and circulating Mr. Spencer's works in the United States, carefully editing them.

THE American Antiquarian society was organized in 1812, with Isaiah Thomas as first president and virtual founder. He gave to the society his private library valued at about five thousand dollars, and nine hundred volumes from a library formerly belonging to Increase and Cotton Mather. Mr. Thomas, in 1819, built, at his own expense, an edifice for the society. Gifts from all parts of the country began to pour in, so that, in 1886, its library numbered sixty thousand volumes. The publications of the society are valuable.

THE story of the American flag is one of especial interest to the historical student. We

repeat it as recently published in the *Presbyterian Banner* of Pittsburgh:

It is curious to observe that, as the spirit of independence grew apace in the American colonies, the desire for a flag of their own grew accordingly. The first murmur of dissatisfaction arose from religious rather than political convictions. In 1634 the stern Puritan conscience rebelled at the cross in the English flag, deeming it a symbol of that Popery from which they had fled across the seas. They were still entirely loyal to England, and the difficulty was bridged over by using the king's arms instead of the cross of St. George.

In 1643 the colonies of Plymouth, Massachusetts and Connecticut, were formed in a league under the name of "The United Colonies of New England." They had, however, no special flag until 1686, when one was sent them by the king. This flag was the "cross of St. George, borne on a white field occupying the whole flag, the centre of the cross emblazoned with a gilt crown over the cypher of the sovereign, James I." To distinguish the merchant vessels of the colonies from those of the mother country, they were ordered to carry the "Union Jack" of his majesty's vessels, with the addition of a white escutcheon in the middle of the standard. A "jack" is a small flag carried by ships containing only the "union" without the "fly" of the large national standard. For example, the American "jack" of the present day is a small flag having only the stars without the stripes. The "union jack" of the United Kingdom is a blending of England's cross of St. George, Scotland's cross of St. Andrew, and Ireland's of St. Patrick.

As the days of the Revolution approached, and the leaven of independence was seething in the colonies, various devices were suggested for our American flag. On most of these the word "Liberty" was a conspicuous feature. By the time matters were ripe for the struggle, each colony had selected its own individual device. A green pine tree was the chosen emblem of Massachusetts. When the crack,

crack of the rifles at Lexington called together the handful of undisciplined Americans to the battle of Bunker Hill—there were yet no national colors. But ideas grow fast in the hot-bed of necessity. January 2, 1776, as the result of an appointment by congress of a committee to decide upon a design, a Continental flag was hoisted over the camp at Cambridge. Dr. Benjamin Franklin was one member of this committee. The flag consisted of the "Union Jack," (for the sovereignty of England was still recognized, the struggle thus far having been for colonial rights) coupled with thirteen red and thirteen white stripes, emblematic of the union of the thirteen colonies against English oppression. As this flag swung its colors out to the breeze over the Cambridge camp, it was greeted with a salute of thirteen guns and thirteen cheers. The wildest enthusiasm was excited by the new national colors. This was the immediate forerunner of our present American banner. It was nearly a year after the Declaration of Independence before the British emblem, the Union Jack, was blotted from the flag, and thirteen stars on a blue field, representing the new constellation that had arisen among the nations, put in its place. The thirteen stripes and thirteen stars represented the number of confederated states forming the American Union.

The admission of new states brought up the question of a change in the flag. In 1816, congress requested Captain S. C. Reid to make a design which would represent the increase in the number of the states without changing its distinctive character. Upon his recommendation congress enacted that the number of stripes should remain thirteen, in memory of the original number of states in the Union, and that the number of stars should be increased every year at the Fourth of July after any new state had been admitted.

This is the story of the flag that floats from America's ramparts to-day, and is carried by her ships into every sea.

"Tis the star spangled banner, O long may it wave,  
O'er the land of the free and the home of the brave!"

THE Massachusetts Historical society was instituted at Boston, in January, 1791, and was incorporated on the nineteenth of February, 1794. From that time to 1823, it published twenty volumes of 'Collections,' in two decades of ten volumes each, octavo. This society is the parent of all similar institutions, we may say, in the United States.

MRS. PHOEBE BOYD, widow of David Boyd, sr., died at the residence of her grandchildren, at the northeast corner of Eighteenth and Hamilton streets, Philadelphia, on the twenty-fourth of January, of paralysis. Mrs. Boyd was born in Penn's Square, a hamlet three miles north-east of Norristown, August 15, 1794, and was the granddaughter of Major-General Arthur St. Clair, of Revolutionary fame, who was a direct descendant from the earl of the Orkney Isles, afterward of Caithness and Roslyn. General St. Clair, at a critical period in the finances of the Continental congress, mortgaged his entire manorial estate of eight thousand acres and loaned the money to the government to purchase arms and equipments for the Continental army. The loan was never repaid and the patriotic general died a few years afterward in poverty at Cresson Ridge.

In 1823 Phoebe St. Clair was married in Penn Square to David Boyd, a distinguished Mason and member of the Hibernian society. He was one of the bondsmen of the late Ex-Sheriff and Judge William A. Porter, and other leading municipal officials of a quarter of a century back in Philadelphia. Coming to that city Mr. Boyd and wife lived on Fourth street, above Arch, for some years, finally moving to Eighteenth and Hamilton, where Mr. Boyd died in 1867. Mrs. Boyd was the oldest inhabitant living in that locality, which was known before the consolidation as Bush Hill, now the Fifteenth ward. She lived in that district forty-five years.

Mrs. Boyd was a woman of remarkable force of character and wonderful business tact. As an executrix she settled several estates and up to her final hour managed her domestic affairs in a thoroughly practical manner. She was a

liberal and frequent contributor to charitable organizations, and many poor people will recall her kindly face and ever open purse. She was a regular attendant at Rev. Henry C. McCook's church when it was on Broad street, above Chestnut, Philadelphia, until prevented by the increasing weight of old age. Half a century ago Mrs. Boyd was one of society's acknowledged leaders. Her trenchant wit and wonderful conversational powers gained for her a wide-spread reputation. At every fashionable gathering she was the centre of attraction.

A MAGAZINE was started in Pittsburgh by Rev. A. A. Lambing, LL. D., in July, 1884, under the title of "Historical Researches (Principally Catholic) in Western Pennsylvania." In July, 1885, the title became "The Catholic Historical Researches," and thus named, was issued until October last. In December it was transferred to Martin I. J. Griffin, Philadelphia, who has again changed the name—this time to "The American Catholic Historical Researches," and who will issue the periodical quarterly as before. The contents for January are of much interest.

THE Oneida Historical society of Oneida county, New York, has in no way done more to preserve and keep alive its local history than by the monuments which it has helped to erect. The beginnings of Utica are defined and perpetuated by the memorial of old Fort Schuyler. The settlement of the county is traced back to its beginning by the monument to Hugh White in the town which bears his name. The column at Oriskany teaches for all time the strategic and commercial relations of the valley of the Mohawk to the continent, while it gives immortality to the yeomen who withstood the armed hosts of invasion. For these this society may claim its share of credit. The monument to Baron Steuben, due in large part to the thoughtfulness of German citizens of the county, at all its stages, had the favor of Horatio Seymour, whose eloquence crowned its dedication. He also contributed to the memorial to that earlier soldier—the soldier of

the cross—Samuel Kirkland, missionary, leader in education in central New York, a far-seeing and efficient patriot, by whose grave the hill side above Oriskany creek is made consecrated ground. The work already done by this society opens the way for other like tasks. Beside the headwaters of the Mohawk rests another whose name is identified with the foundations of the republic—William Floyd, a signer of the Declaration of Independence, and for eight years a member of the Continental congress. The monument over his grave is a family tribute.

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“By Lt-Colonel Ried Commanding his Majestys Forces in the District of Fort Pitt: Permission is hereby granted to John Gibson to Occupy and Build upon a Lott of ground in the New Town of Pittsburgh; in Consideration of which he is willing to pay Twenty Shillings Yearly, if demanded, and also to be subject to such Regulations as may be ordered by the Commander in Chief, or by the Commanding Officer of the District, for the good of his Majesty's Service. Given Under My Hand at Fort Pitt the 28th day of August 1765.

JOHN REID, Lt. Col.”

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In the Pittsburgh *Recorder* of March 7, 1822, is an extract from a letter of B. F. Stickney, United States agent among the Indians of Ohio, to the late Rev. E. P. Swift, D. D., in which he says of the language of the Wyandots:

Although I have had a partial acquaintance with that language, yet I had no just ideas of its powers until I had made this more extensive examination. If a correct knowledge of this aboriginal plan of expressing ideas should ever come to the possession of the learned world, it would astonish them. I have found a double plural, a triple superlative, and eleven articles. They can by a single word express the actor, the thing acted upon, the act, the cause, and the final result of the cause; as they say: “*Ah-ha wreding-au-des*,” which is, “they met, they fought them, and they conquered.”

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“ARCHÆOLOGY,” says J. B. Browing, M. D., in the *Kansas City Review* for August, 1885, “as far as its scope has been in any way defined, stands midway between paleontology

and history, and seems to encroach somewhat upon the territory of both. The relation which it bears to history seems to consist in matters of interpretation. It is,” he continues, “the geology of history; it furnishes facts for history to interpret. It holds up a bushel of arrow heads; they are nature's cuneiform inscriptions. It shows a lap full of pottery, covered with fanciful designs, twisted into outlandish shapes. These are the broken symbols of ancient ideas, the speechless records showing that a peculiar kind of man lived and worked.”

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WILLIAM FINDLEY of Westmoreland county, Pennsylvania, was a remarkable man. He was born in the north of Ireland; was an active participant in the exciting scenes preceding and during the Revolutionary war; and was a member of congress 1791-99 and 1805-7. In Western Pennsylvania he wielded an immense influence. His history of the “Whiskey Insurrection” is valuable, and copies of it are scarce.

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SAYS Grant Thorburn: “During the prevalence of the yellow fever in New York, in 1798, when not in attendance on the sick, I was busily employed in making nails for the coffinmakers. A carpenter in Warren street kept twelve men constantly employed in making whitewood coffins, not painted, which he sold for five dollars each. Two stout lads, with a handcart load, went daily through the streets, stopping at every corner and crying out: ‘Coffins, coffins, all sizes, only five dolla<sup>rs</sup>.’ In many instances the coffin stood under the bed of the patient for days and weeks waiting for him. Some recovered and paid the carpenter for their own coffins. Undertakers, as a profession, were not known in New York at that period.”

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THE celebration of the centennial of the settlement of Ohio would properly be held at Marietta, but it cannot conveniently take place there; so a year ago the legislature of the state, at the instance of the various agricultural organizations, made provision for a state celebra-

tion at Columbus, the center and capital of Ohio.

But Cincinnati now puts in her claim for the celebration to take place in that city, and the Board of Cincinnati Exposition commissioners has determined that it is inexpedient to hold an exposition during this year, on account of the work of repaving the streets of that city, which are in a deplorable condition, and for other reasons. At the same time the board has resolved to hold in 1888, which will be the one hundredth anniversary of the first settlement of the "Ohio Valley, the Northwestern Territory, the Central States of the Union, the State of Ohio, and the city of Cincinnati," a centennial industrial exposition of the Ohio valley and the central states, marking the progress made in a century, and exhibiting side by side the work of our own and other nations.

To hold a "centennial" in two places in Ohio would be to neutralize, to a great extent, the interest which only one would be sure to secure; it would seem certain, therefore, that the matter should be arranged, in some manner, so that but a single celebration be held.

THE Ohio State Historical and Archæological society held their regular monthly meeting in the senate chamber February 8. The feature of the exercises was an address by Representative George C. Washburn of Lorain county on "Mountains, Volcanoes and Earthquakes," of which the following is a summary:

I have given the facts which show that the earth—originally a ball of molten matter—has been gradually cooling during the untold ages of its existence; that a crust was formed upon its surface composed of the same matter, intermixed with the various chemical substances that surrounded it when in a fluid state; that this crust, by vari-

ous transformations, was ultimately cooled to a sufficient degree—first at the poles and gradually approaching the equator—to sustain vegetable and afterward animal life as we find it to-day. Also, that the continued loss of heat in the central mass diminishes the bulk of the earth by shrinkage, and that the crust having already lost its heat, and consequently its power of shrinkage, is constantly breaking down upon the underlying mass. I have attempted to show that the elevation of mountains was caused by this shrinkage—the crust being thrown up in ridges because of its spherical form, and have indicated the effect of this depression upon the fluid mass, causing it to escape through the fissures and appear upon the surface in the form of volcanoes. I have proved—or tried to prove—that earthquakes, whether slight or terrible in their effects, are occasioned by the displacement of the earth's crust when breaking down upon the vacuum caused by shrinkage. These facts united demonstrate the one great fact that all these phenomena, whether witnessed in the towering mountain, the grand volcano, or the fearful earthquake, are the product of the unchanging law of nature, enacted for the government of the entire planetary system by Him who "in the beginning created the heaven and the earth."

If the study of these laws has caused any person to doubt the infallibility of the revered records of our earliest history—if it shows that the flood was caused by the upheaval of a continent, though the operation of God's own law, it also shows that from the beginning the law of the universe has never changed; that the Infinite Wisdom which devised the planetary system is more worthy of adoration because the law by which it is governed is perfect. If it leads to the belief that all animated life, and all the beautiful objects we see around us in the field of nature, are the result of this harmonious law of development and progression, it only awakens a more exalted idea of the wisdom and goodness of its author, and leads us to exclaim with nature's own poet:

"My heart is awed within me when I think  
Of the great miracle that still goes on,  
In silence, round me—the perpetual work  
Of Thy creation, finished, yet renewed  
Forever. Written on Thy works I read  
The lesson of Thy own eternity.  
Lo! All grow old and die—but see again  
How on the faltering footsteps of decay  
Youth presses—ever gay and beautiful youth,  
In all its beautiful forms."

## CORRESPONDENCE.

*To the Editor of the MAGAZINE OF WESTERN HISTORY.*

DID LA SALLE REACH THE MISSISSIPPI  
BEFORE 1673?

In the January number, (1887) of the *MAGAZINE OF WESTERN HISTORY*, Henry H. Huribut of Chicago thinks (see page 438) that I have fallen into an error in stating, in a former number (November, 1886, page 51) that La Salle, previous to the year 1673, reached the Mississippi river. If I have fallen into an error, I am not conscious of it.

Before 1673, La Salle was sent from the St. Lawrence to discover the Mississippi, and, before his return, he was absent long enough to have made the journey to that stream and back home. Now for the proof: "I have dispatched persons of resolution," wrote Talon, intendant of Canada, in 1670, "who promise to penetrate further than has ever been done before [to the westward and southward of the St. Lawrence], the one [Saint-Lusson] to the west and the northwest of Canada; and the others [La Salle and companions] to the southwest and south." In February, 1671, the minister of the French king wrote Talon: "The resolution you have taken to send Sieur de la Salle towards the south, . . . to discover the South Sea passage [the Mississippi] is very good." And Talon, on the second of November of the same year, wrote the king that Sieur de la Salle had not then returned from his journey to the southward of "this country" [Canada]. Subsequently, that is, after 1677, the intendant, M. du Chesneau, wrote: "After he [La Salle] had obtained permission to discover the great river of the Mississippi, and [after he] had as he alleged, the grant of the Illinois, he no longer observed any terms with the Iroquois." It is a significant fact also, that there is not a word extant tending to show that La Salle, during the four years next preceding 1673, was anywhere else than on his explorations (for he made two journeys) to the southwestward of the St. Lawrence.

Now, having shown as I think, beyond a reasonable doubt, that La Salle was sent, before the year

1673, to discover the Mississippi, and that he was absent on his exploration for that purpose long enough to enable him to reach it before his return, there is but one more question to be answered—did he actually discover that river while thus absent from his home on the St. Lawrence? The evidence at hand is abundantly sufficient, as I view it, to enable me to answer that question in the affirmative. And just here let me say, before bringing forward my proofs, that, because I have established the fact of La Salle having journeyed to discover the Mississippi before 1673 and the further fact that he was absent a sufficient length of time before his return to have accomplished it, I am entitled, by the laws of historical criticism as well as by the well-known rules of evidence, to have weight given to any circumstance, however slight in its character, which helps support the affirmative.

Not many years ago, a document was discovered by M. Pierre Margry, director of the Archives of the Marine and Colonies at Paris, entitled, 'Histoire de M. de la Salle.' The writer of the 'Histoire' (believed by Margry to have been a certain Abbe Renaudot) declares that the account was taken from the lips of La Salle. In the narrative it is said that La Salle, before the year 1678, reached a river, which, it is certain, from the description, must have been the Mississippi; and that he floated down the stream a considerable distance, satisfying himself that it flowed into the Gulf of Mexico.

The simple existence of this paper (which, from its appearance and the place where it was found, it is evident is not a modern narrative), coupled with the fact that La Salle had been sent before 1673 to reach the same river, is some evidence that he actually discovered it. Is that document authentic? If so, the question at issue is once and for all time answered in the affirmative. I propose to give now my reasons for believing it entirely truthful. But first as to what the 'Histoire' narrates. In substance, it is this:

La Salle, in 1669, having journeyed with two priests and some companions employed for the trip, to the south side of Lake Ontario, left the two first-named,

making his way to a river, evidently the Ohio, descending it as far as the falls (now Louisville) and then retracing his steps, after having been abandoned by his men. There is an abundance of outside evidence, showing that this trip was undertaken and pursued part of the way to the falls of the Ohio. This is the first part of the 'Histoire'; and what it describes is, the first expedition of La Salle in search of the Mississippi. The narrative then proceeds to give an account of a second expedition of the same explorer, made soon after, navigating the lakes from Lake Erie to Lake Michigan—thence, by way of the Chicago river, the Desplaines and the Illinois, to the Mississippi. But why did La Salle take the route by way of the upper lakes on his second expedition in which he was sent to discover the Mississippi? It was for the reason that Joliet, who had been on the lakes above (as far as to the Sault de Ste. Marie) and had heard of the route that way, so informed La Salle in 1669, before the latter had reached the Ohio and while on his journey thither. And not only this, but he urged La Salle to take that course instead of trying to find the Mississippi by way of the Ohio.

The 'Histoire,' as a whole, is an account of La Salle's explorations and of the state of parties in Canada previous to the year 1678; and, as no one claims that he went on an exploring tour during 1673 or between that year and 1678, it follows that the account must have reference to expeditions made between the years 1668 and 1673. Let us now consider the authenticity of the 'Histoire' both as to the expedition of 1669 and of the one between that year and 1673.

La Salle himself, in a memorial addressed to Count Frontenac in 1677, affirms that he discovered the Ohio and descended it as far as to a rapid which obstructed it. Maps are in existence made before 1677 having the Ohio river marked on them, with an inscription to the effect that it had been explored by La Salle: one of which maps was certainly made before the voyage of Joliet in 1673 to the Mississippi. More evidence could be given to prove that, in 1669, La Salle discovered the Ohio; at the same time proving, of course, the authenticity of the first part of the 'Histoire.' But enough on that head. Now, as to the second expedition.

The 'Histoire' ends with 1678: and the writer declares that he had the narrative not only from the lips of La Salle, but that it was the result of ten or twelve conversations with him at Paris, whither he (La Salle) had come with a petition to the court.

Now, we know positively that La Salle was at court that very year with a petition.

M. Margry declares that, in an official letter of Count Frontenac of 1677, to the French premier Colbert, is the statement that Joliet in 1673, in making his journey to the Mississippi "did not voyage until after the Sieur de La Salle," who himself [that is, La Salle] could, at that date, testify to the French minister, that the relation of Joliet as to his journey in 1673, when he reached the Mississippi, was, "in many things, false." One of his many absurd statements was, that bateaux, in certain stages of water, could go directly from the Niagara river above the falls, across the Chicago portage to the Mississippi. But the question is, how could La Salle testify to the falsity of certain of Joliet's statements if he had not been over the same route? It is very evident then, that what Frontenac meant by saying that Joliet "did not voyage until after the Sieur de la Salle," was, that he (Joliet) did not explore the Illinois lake, that is, Lake Michigan, until after the latter. No other construction can be given his language when the whole paragraph is fairly considered. By this letter of Frontenac, the 'Histoire' is fully corroborated to the extent of La Salle's having explored the Illinois lake (Lake Michigan) before Joliet—that is before 1673. And, as we shall now see, the statement that he actually reached a great river beyond the "bottom" of the "incomparably larger bay" than that of Green bay (meaning the head of Lake Michigan), which could be none other than the Mississippi, is also sufficiently established by outside evidence.

But, before proceeding further, it is important to know that when La Salle had, according to the 'Histoire,' gone as far down the Mississippi as the thirty-sixth degree of latitude, and then resolved to turn back, he also resolved that he would follow the great river, at a future day, to its mouth, when better supplied with men and means; which, as everybody knows, is exactly what he accomplished.

About one hundred and thirty years ago, an aged niece of La Salle—Madeline Cavalier—had, in her possession, journals and maps of her uncle showing that he made two voyages of discovery before 1675—that he reached a spot near (evidently meaning on the bank of) the Mississippi where he planted a cross and took possession of the country in the name of the French king. I submit, then, that, having first proven that La Salle was sent before the year 1673 to discover the Mississippi, and having shown that he was gone

long enough to have accomplished the object of his journey before his return; having established the fact of his discovery of the Ohio in 1669, and of his exploration of Lake Michigan before 1673, all in corroboration of the 'Histoire'; surely the testimony of Madame Cavalier is sufficient to take him to the Mississippi, as in that narrative asserted.

However, we are not left to the declaration of La Salle's niece as the only positive evidence of her uncle's having reached the Mississippi; we have also the words of an ex-governor of Canada (Gallissionère) in 1750, to the same effect. He asserts that the great river "has been [was] discovered by Sieur de la Salle, who took possession of it in the King's name."

Just here, it is proper to consider Mr. Hurlbut's question.

"Is it reasonable to suppose the government of New France would have taken the trouble to send out an exploring party, in 1673, to discover the Mississippi, if the same thing had been accomplished two years earlier by La Salle, who was a particular friend of Frontenac, the governor?"

Answer: It is nowhere asserted, in a specific manner, that La Salle first reached the Mississippi in 1671. What is known is this, that it was so reached some time between the year 1669 and the close of the year 1673. Again: There is not the slightest evidence extant that he had returned from his exploration made during that period when Joliet was commissioned to seek for the South Sea passage—"to discover" the Mississippi. So far as there are any statements published bearing on this matter, the indications are, that Joliet left the St. Lawrence in August, 1672, and La Salle returned the next month.

The sending of Joliet upon his voyage of discovery makes it certain then that La Salle either had not returned or that, if at his home, the great river, down the current of which, he had floated a considerable distance and which, evidently flowed into the Mexican gulf, was not believed by the government to be the South Sea passage—the "Mississippi," which, by common consent, flowed into the Gulf of California.

In 1674, in the fall of the year, La Salle went to France, with letters of strong recommendation from Frontenac. He was well received at court; and he made two petitions to the king: the one for a patent of nobility, in consideration of his services as an explorer (surely this is significant), and the other for a grant in seigniorship of Fort Frontenac; both of which he obtained. But Mr. Hurlbut thinks his ser-

vices as an explorer did not commence until five years subsequent to this; for he asks: "If it be that the 'Histoire' was not a fraudulent production from some unknown hand, is it not to be reasonably inferred that the writer stupidly represented the voyage of La Salle of 1679, as of an earlier year?" Assuming the 'Histoire' to be false, will Mr. Hurlbut declare what great services as an explorer had been performed by La Salle previous to the year 1674, that would justify him in asking for, and in obtaining a patent of nobility? And if he will read that patent and that grant, he will see why they were granted.

And now as to the evidence which may seem to disprove, in a greater or less degree, that La Salle reached the Mississippi before Joliet—before 1673. All that has come under my notice is of a negative character—nothing positive. La Salle is said not to have claimed its discovery down to the year 1678; and that for those five years—1673 to 1678—it had generally been admitted that Joliet was the discoverer. Still, La Salle may have claimed it within that period; that there is no record of the fact does not prove that he did not. We are also told that a friend of La Salle, in presenting a memorial to the marine and colonial minister of France, whose object was to place the discoverer and his achievements in the most favorable light, virtually admits (not positively declares) that Joliet reached the Mississippi before La Salle. Very well; but there may have been policy in this. The "friend" may not have desired to bring down the wrath of the Jesuits upon himself, by asserting what, if true, would pluck the laurel wreath from the brow of Father Marquette, who went with Joliet, and who was one of their number; besides, the achievements of La Salle after 1673 were very great—enough to satisfy perhaps his "friend." We are likewise informed that the same niece of La Salle, Madame Cavalier, after La Salle's death, in addressing a memorial to the king, petitioning for certain grants in consideration of the discovery of her relative, does not say that her uncle reached the Mississippi before his expeditions of 1679 to 1682. Granted: But the reason may have been the same as that which deterred his "friend." There are one or two other circumstances (no more conclusive, simply showing what was not said) of the same character.

The strongest circumstance, however, that has yet come to light tending to disprove the discovery of the Mississippi by La Salle before Joliet reached it, is this: The governor of Canada, Count Frontenac, La Salle's ardent supporter and ally, believed in 1672,

as his letters show, that the Mississippi flowed into the Gulf of California; and, two years later, he announces to the Minister Colbert (November 14, 1674) the discovery of a great river by Joliet which must have been the Mississippi, but which Frontenac does not name. But in 1672, when Frontenac wrote that he believed the Mississippi flowed into the California gulf, La Salle had not returned; then there could be no reason why he (Frontenac) should not have entertained that idea. Grant, however, that La Salle had got back and had related the particulars of his exploration to the governor, and how does the case stand? Frontenac believed that the Mississippi he had heard so much about flowed from the region of country not far from the head of Lake Superior into the Gulf of California—thus making a "South Sea passage;" that is, a direct water-way for travel from the lakes (with a portage of no great width intervening) to the Pacific ocean; but the river discovered by La Salle evidently flowed into the Gulf of Mexico; it could not, therefore, in the mind of Frontenac, be the Mississippi. Nor is there any evidence that the governor had indentified the great river of La Salle, in November, 1674, with "*la grandé riviere*" of Joliet, or the latter of the two as the real "Mississippi."

The position taken by Francis Parkman may be condensed to this: "The Mystery of La Salle.—He discovers the Ohio.—He descends the Illinois.—Did he reach the Mississippi?" Parkman does not affirm that he did not, but says it "has not been proven, nor in the light of the evidence we have [he has], is it likely." But my conclusion is exactly to the contrary. In the light of the evidence which I have—La Salle discovered the Ohio; he also descended the Illinois; he reached the Mississippi and floated some distance down its current; and all between the extreme limits of the fall of 1668 and the fall of 1674. In this view I am, by no means, alone. I have very good company, as the names, besides M. Margry, of Gabriel Gravier, Henri Martin and Francis Parkman (to almost within sight of the Mississippi) sufficiently attest.

A word more and I am done. Mr. Hurlbut thinks that if the '*Histoire*' be taken as true, the route pursued by La Salle up Lake Michigan and across to the Illinois was rather by the St. Joseph and Kankakee, than by the Desplaines and Chicago rivers. He has evidently overlooked the words of the narrative which says that La Salle, at the bottom of the great bay (that is, the head of Lake Michigan), found *towards the west* a beautiful harbor.

CONSUL WILLSHIRE BUTTERFIELD.

*To the Editor of the MAGAZINE OF WESTERN HISTORY:*

#### ANNUAL MEETING OF THE STATE HISTORICAL SOCIETY OF KANSAS.

The annual meeting of the directors of the State Historical Society of Kansas, was held in the rooms of the society, in Topeka, on the eighteenth of January, when the following officers were elected:

President—D. W. Wilder, Hiawatha.

Vice-Presidents—H. H. Williams of Osawatimie, and Hon. T. A. McNeal of Barber county.

Secretary—Judge F. G. Adams.

Treasurer—John Francis of Topeka.

Executive Committee—Governor Martin, T. D. Thatcher, P. I. Bonebrake, N. A. Adams, F. P. Baker.

Legislative Committee—B. F. Simpson of Topeka, Ed. Russel of Lawrence, E. B. Purcell of Manhattan.

The report of the board of directors shows the work of the society for the previous two years to have been one of material progress. There have been added during that time to the library bound volumes, 2,860; unbound volumes and pamphlets, 10,008; volumes of newspapers and periodicals, 2,513; single newspapers and newspaper cuttings containing special historical material, 763; maps, atlases, etc., 81; manuscripts, 1,592; pictures, 263; miscellaneous contributions, 177; script, currency, etc., 41. Thus it will be seen that the library additions of books, pamphlets and newspaper files during the two years number 15,381 volumes. Of these 14,367 have been procured by gift, and 1,014 by purchase. The total of the library is at the present time as follows: 8,352 bound volumes, 21,103 unbound volumes, 6,248 bound newspaper files and volumes of periodicals; in all, 35,703 volumes.

The growth of the library during the two years has been greater than that of any similar period. This has been due in part to the growth of the state in population, adding to the number of home contributors to the society's collections. It has been largely due to the fact that the uninterrupted prosperity of the society for the eleven years of its existence, and the unparalleled growth of its library in that period, has given the society a reputation for permanency which has attracted the attention of the older libraries and library workers of the country, inducing great liberality on their part in gifts to the library from their duplicate collections.

The usual growth of the newspaper branch of the library is a marked feature, and of the 5,570 news-

paper volumes now in the library 1,157 have been added during the year past.

The society has received large accessions of pictures, historical recollections and miscellaneous contributions.

The library and collections of the society have grown far beyond the accommodations for room in the state house. The board urges the importance of a provision in the new capital, on its completion, for suitable and ample room for the society for many years to come.

A.

*To the Editor of THE MAGAZINE OF WESTERN HISTORY.*

#### AN HISTORICAL INQUIRY.

Mr. Thomas D. Webb, late of Warren, Ohio, in a valuable paper published in the "Historical Collections of the Mahoning Valley," after stating that Jefferson county, organized in 1798, embraced that part of the Western Reserve which lies east of the Cuyahoga river, the Portage Path, and the Tuscarawas and that a few settlers then on the Reserve did not, previous to 1800, acknowledge that the government of the Northwest Territory, at the head of which stood Governor St. Clair, had jurisdiction over them, makes the following interesting statement:

No taxes were ever effectually imposed on any lands within the Connecticut Reserve until after the organization of Trumbull county, although there were some inhabitants in the territory before that period, yet they were left in a state of nature, so far as civil government was concerned, by the state of Connecticut, and but once were they disturbed by the United States, when the authorities of Jefferson

county sent Zenus Kimberly into this county to inquire into the situation of things with a view to taxation.

Who can throw light on this attempt of the St. Clair government to collect taxes in Trumbull county, and of the attempt being resisted by the people? Particularly, who can tell the story of the Zenus Kimberly episode? The subject is an interesting one, since it has to do with the setting up of civil governments on the Western Reserve; and I am sure that many readers of this Magazine would be glad to possess all the information bearing upon it that can be furnished. Certainly one reader would be.

I should add that Mr. Iddings, also of Warren, in the same volume, alludes to the same facts, and tax-collector Kimberly's unhappy experience.

Respectfully,

B. A. HINSDALE.

January 31, 1887.

*To the Editor of the MAGAZINE OF WESTERN HISTORY.*

WILKINSBURG PENNSYLVANIA,  
February 2, 1887. }

DEAR SIR:—Your statement on page 434, of the January number with regard to the Vatican library, is erroneous. The library has been opened by the present Pope, as was published to the world in the newspapers some years ago.

You will readily understand that discretion must be used in the management of such a treasure, but according to regulations in existence for a considerable time, any person who has business with the library is permitted to consult it.

Very truly yours,

A. A. LAMBING.

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Maynard of Western History

*John Maynard*